S 3044, 93rd

Organized labor has much money to pursue its political goals. In the 1972 presidential campaign, it spent an estimated $50 million. Neil McBride, labor writer for the Associated Press, estimates that backing by COPE is worth $10 million to a presidential candidate.

Moreover, while much is said about the contributions by business to various political candidates, little has been said about labor's assistance which, for instance, totalled $191,295 to members of the House Judiciary Committee alone. Of that total $30,293 went to Chairman Peter Rodino, and all but $2,100 went to Democrats. Indeed, some 98 per cent of labor's political muscle is exerted in behalf of Democrats.

The AFL-CIO already has some scalps hanging on its belt in the 1974 elections. More than a dozen labor groups were active in the 12th district in Pennsylvania to support the winner, Rep. John Murtha. Labor forces also claim credit for the election of Rep. Richard Vander Veen in the 5th district in Michigan.

Finally, not the least source of confidence among labor leaders that they are on their way to having a veto-proof Congress is the determined pressure in Washington for public financing of campaigns and strict limitations on campaign spending. If the contributions to those whom labor opposes are reduced, then the unions' non-financial contributions will be all the more effective.

If Congress has a goal of assuring fair elections it can do no less than place a dollar value on indirect assistance by such groups as COPE so that all candidates at least have equal campaign handicaps.

CONCLUSION OF MORNING BUSINESS

Mr. CANNON. Mr. President, is there any further morning business?

The PRESIDING OFFICER (Mr. HATHAWAY). Is there any further morning business? If not, morning business is concluded.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 3044, which the clerk will state.

The legislative clerk read as follows:

S. 3044, to amend the Fedreal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Texas (Mr. TOWER), No. 1153, with the time thereon to be divided 10 minutes to the Senator from Texas and 5 minutes to the Senator from Nevada (Mr. CANNON).

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Mr. President, this amendment provides that on or before July 1 of each year, the Joint Committee on Internal Revenue Taxation shall obtain from the Internal Revenue Service all returns of income filed by each Member of Congress for the previous 5 years. After receipt, the committee shall submit these returns to an intensive inspection and audit for the purpose of determining the correctness with respect to the Member's tax liability. The report of the committee shall be forwarded to each Member and to the Internal Revenue Service.

It does not take long to realize that this is the procedure which was followed on the income tax returns of President and Mrs. Nixon.

The question posed in this amendment is simple: will Congress vote to bring upon its Members the same, intensive audit that President Nixon underwent? Today's vote will provide the answer.

When certain facts about the president's income tax were leaked to the media some months ago, President Nixon stepped forward and offered the joint committee the opportunity to review his return. The committee did so and found the President owing. But, much to his credit, the President said he would pay every last cent he owed— and he even denied himself the appeals recourse available to every other American citizen.

I believe it is only right that the Congress take the same steps to insure that our quest for fiscal integrity not only extends to the executive branch, but to the legislative as well. If some members of Congress who were so eager to see the President's tax returns gone over with a fine-tooth comb would vote "yea" today, we would have passage with very few dissenters.

In this day of distrust for public office holders, I think it is imperative that members of Congress—as well as the President—open their tax returns for public inspection. The legislation which I propose is an important and essential part of any campaign reform. It, in my opinion, would do much to improve the attitude of the American people toward their elected representatives.

I strongly urge adoption of this amendment.

Mr. President, I reserve the remainder of my time.

Mr. CANNON. Mr. President, I yield 2 minutes to the Senator from Montana (Mr. MANSFIELD).

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, this morning, the distinguished Senator from Vermont asked for, through the leadership, and was granted, the privilege of consideration.

It is my intention to make that same request at the conclusion of my brief comments.

What I intend to do, if the Senate will allow me to do so, is to offer an amendment to the Tower amendment so that on page 1, line 6, after the word "Congress," to insert the following:

Each employee or official of the executive, judicial, and legislative branches whose gross income for the most recent year exceeds $20,000,

Mr. President, this is a proposal which I have been trying to have accepted by the Senate for more than a decade, because I feel that as long as we have three equal branches of Government, all three should be treated the same.

First, Mr. President, I ask unanimous consent at this time that the amendment which I have just proposed be considered in order as an amendment to the Tower amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. TOWER. Mr. President, reserving the right to object, if the amendment is considered, does that bar me from the use of my remaining time?

Mr. MANSFIELD. Not at all, because it comes within the 15 minutes, as I interpret it.

Mr. TOWER. Mr. President, I will not object, but I intend to speak against the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I offer my amendment at this time and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amendment to amend No. 1153, on page one, line six, after "Congress" insert ", each employee or official of the Executive, Judicial, Legislative Branch whose gross income for the most recent year exceeds $20,000,.

Mr. MANSFIELD. Mr. President, my intention is to ask for the yeas and nays on this, but first I ask unanimous consent that the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD) be added as a cosponsor of the amendment, as well as the distinguished Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I would assume that as the sponsor of the original amendment, I have additional time to argue against the amendment of the Senator from Montana (Mr. MANSFIELD)?

Mr. MANSFIELD. Mr. President, if the Senator will yield to me briefly, on my time, I would ask that the name of the distinguished Senator from Florida (Mr. CHILES) also be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I think that the amendment of the Senator from Montana would impose too great a burden on the joint committee and its staff because it would involve thousands of people. They are not elected public officials. My purpose with my amendment was to have the elected Members of Congress, the coordinate branch with the executive branch, submit to the same kind of scrutiny that the President of the United States has been subjected to. He and the Vice President are the only two elected members of the executive branch

Therefore I think that the scope of the amendment should be confined at this time to elected Members of Congress.

I do not argue against the merits of what my distinguished friend from Montana seeks to do. It would seem to me that some other mechanism might be used for that purpose, such as the Comptroller General of the United States.

For that reason, I would not want to accept nor will I vote for the amendment of the Senator from Montana in its present form.

Mr. CANNON. Mr. President, I yield 1 minute to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN.This amendment, if adopted, will it be subject to further amendment after adoption?

The PRESIDING OFFICER. Is the Senator asking whether or not he can offer an amendment to this amendment?

Mr. McCLELLAN. Yes. After this amendment has been disposed of.

The PRESIDING OFFICER. The Senator cannot do so without unanimous consent, unless this is an amendment that has been printed and is at the desk, and has been offered before cloture has been invoked.

Mr. McCLELLAN. I would have to have unanimous consent. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may offer an amendment after this amendment has been disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CANNON. Mr. President, what is the time situation?

The PRESIDING OFFICER. The question is now on the amendment of the Senator from Montana. The yeas and nays have been ordered.

The Senator from Nevada has 2 minutes remaining. The Senator from Texas has 5 minutes remaining.

Mr. TOWER. Mr. President, I would simply like to ask the distinguished Senator from Montana if he would not alter his amendment to give this responsibility to the General Accounting Office rather than the joint committee, because I think the joint committee should focus on the returns of the Members of Congress and that that attention should not be diluted by their having also to pay attention to all these other matters.

Mr. MANSFIELD. The Senator is proposing that the amendment offered by the Senator from Montana, which applies to the executive branch and the judicial branch, be under the supervision of the Comptroller General rather than the joint committee.,

Mr. TOWER. That is my suggestion, because I think the joint committee staff would have to be beefed up just to handle the returns of Members of Congress. If we go into all the myriad of bureaucarcy, it will be a formidable task.

Mr. MANSFIELD. I would be delighted to agree to that, because I want to assert the principle that many of us have been trying for more than a decade to assert, and that is to treat the three equal branches of government on an equal basis. If we are going to ask Senators to lay out their tax returns, then I think that members of the judicial branch and members of the executive branch earning $20,000 a year or more should accept the same responsibility. I am prepared to do it. I would be willing to.

I have been trying to do so for more than 10 years. So I would be glad to modify the amendment.

Mr. President, I ask unanimous consent that my amendment be modified along the lines of the suggestion made by the distinguished Senator from Texas.

Mr. CANNON. What is it?

Mr. MANSFIELD. It places it in the Comptroller General.

Mr. McCLELLAN. I had an amendment for that purpose.

Mr. MANSFIELD. Will the Senator join me in that change?

Mr. McCLELLAN. Yes.

I do not think the Joint Committee on Internal Revenue and Taxation should see our returns if we are not going to see theirs. I believe that this agency of Congress, the Comptroller General's Office, is the proper one to do it.

Mr. TOWER. Mr. President, I think I can clear up this matter.

If the Senator from Montana would temporarily withdraw his amendment, I will ask unanimous consent to modify my amendment to bring the entire matter under the jurisdiction of the Comptroller General, and then I think that would make it a little more simple for the Senate.

Mr. MANSFIELD. I must respectfully decline to do so. I am interested in a principle I have been trying to achieve for more than a decade. I would not object to the distinguished Senator from Texas changing it from the Joint Committee on Internal Revenue and Taxation, which would have supervision, to the Comptroller General. But the principle I am trying to achieve has to stay in, so far as I am concerned; and it is the principle that the Senator from Arkansas, the chairman of the Committee on Appropriations, is likewise trying to achieve, insofar as the supervisory factor is concerned.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. If we are going to do this, then the Joint Committee on Internal Revenue and Taxation is not the body to examine the Senator's returns and mine. They are Members of this body. Who would audit their returns? It ought to go to the Comptroller General.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, in one way or another, instead of the joint committee having the supervisory responsibility, that function be transferred in the amendment now pending to the Comptroller General of the United States.

Mr. TOWER. I think the Senator from Montana misunderstood me. I was going to modify my amendment, which would make it easier for his amendment to be attached. That, then, would not require any modification on the part of his amendment.

Mr. MANSFIELD. That would be fine. If the Senator will ask unanimous consent to make that substitution as to what and who the supervisory agency would be, I have no objection. I am trying to retain in there the principle I have been trying to achieve.

Mr. TOWER. Mr. President, I ask unanimous consent that it be in order that I propound the unanimous-consent agreement to amend my amendment as follows——.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The clerk will read the modification.

The legislative clerk proceeded to read the amendment as modified.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment as modified will be printed in the RECORD.

The amendment as modified is as follows:

On page 1, line 4, strike "Joint Committee on Internal Revenue Taxation" and insert "Comptroller General of the United States".

On page 1, line 7, strike "committee staff" and insert "Comptroller General of the United States".

On page 2, line 3, strike "its" and insert "such".

On page 2, lines 3 and 4 strike "Joint Committee on Internal Revenue Taxation" and insert "Comptroller General of the United States".

On page 2, strike line 6 through "and to" on line 7.

On page 2, line 10, after "proper." insert "The Comptroller General of the United States shall deliver a copy of such report and results of such audit and inspection to the Members or candidate concerned.

"Section 2. The Internal Revenue Service shall assist the Comptroller General of the United States as necessary in administering the provisions of this title."

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Montana.

Mr. TOWER. Provided the unanimous-consent agreement I propounded is not objected to.

The PRESIDING OFFICER. The unanimous-consent agreement has not been objected to, and it is so ordered.

Mr. TOWER. So that now the amendment of the Senator from Montana is in order. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Do Senators yield back their time on the amendment of the Senator from Montana?

Mr. TOWER. I yield back the remainder of my time.

Mr. CANNON. I yield myself 1 minute.

Mr. President, I would simply point out that this is exactly what we have required, in subtsance, elsewhere in the bill.

On page 79, we adopted heretofore, in S. 372—and it is in this bill—a provision, the Cannon amendment, in section 401.

The ony difference is between the amount of $20,000 and $25,000. In the bill as it now stands, it reads:

Who is compensated at a rate in excess of $25,000 per annum.

So the amendment of the Senator from Montana is $5,000 per annum more restrictive. But this requires a full and complete disclosure by every member of the executive, the legislative, and the judicial branches who is compensated in excess of that amount, and candidates for congressional seats, and the President and the Vice President, to make a full disclosure in accordance with the terms and provisions hereof; and it requires everything in there that is required on an income tax return.

Mr. TOWER. Mr. President, I submit that disclosure and audit are not the same thing; that the Senator from Montana with his amendment and I with my amendment require an audit; whereas, all that the current provision of the bill provides is for disclosure.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Ohio (Mr. METZENBAUM), the Senator from West Virginia (Mr. RANDOLPH), are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kentucky (Mr. COOK), are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT), is absent on official business.

The result was announced—yeas 71, nays 16, as follows:

[No. 140 Leg.]

YEAS—71

Abourezk	Gravel	Moss
Aiken	Gurney	Muskie
Allen	Hart	Nelson
Bartlett	Hartke	Nunn
Bayh	Haskell	Packwood
Beall	Hathaway	Pastore
Bentsen	Helms	Pearson
Bible	Hruska	Pell
Biden	Huddleston	Proxmire
Brooke	Hughes	Ribicoff
Buckley	Humphrey	Roth
Burdick	Jackson	Schweiker
Byrd, Robert C.	Javits	Scott, Hugh
Cannon	Johnston	Sparkman
Case	Kennedy	Stafford
Chiles	Magnuson	Stevens
Clark	Mansfield	Stevenson
Cotton	Mathias	Symington
Cranston	McClellan	Thurmond
Curtis	McClure	Tower
Dole	McGovern	Tunney
Domenici	McIntyre	Weicker
Eagleton	Mondale	Williams
Eastland	Montoya	

NAYS—16

Baker	Dominick	Percy
Bellmon	Ervin	Stennis
Bennett	Fannin	Taft
Brock	Griffin	Talmadge
Byrd, Harry F., Jr.	Hansen	Young
	Hatfield	

NOT VOTING—13

Church	Hollings	Metzenbaum
Cook	Inouye	Randolph
Fong	Long	Scott, William L.
Fulbright	McGee	
Goldwater	Metcalf	

So Mr. MANSFIELD's amendment to Mr. TOWER's amendment was agreed to.

Mr. PERCY. Mr. President, I voted against the Mansfield amendment to the Tower amendment earlier today but voted for the Tower amendment as amended as I wanted to make it clear I have not the slightest objection to having my own tax returns audited. Even though I am sympathetic with Senator MANSFIELD's concern for equality of treatment for Members of Congress, I voted against the Mansfield amendment as I feel it is wrong to simply single out the tax returns for the past 5 years of all legislative, executive and judicial branch employees making over $20,000 a year to be audited.

What is the manpower required by GAO to do this? No one knows. How many employees would this involve? No one could tell me before the vote, but it was assumed the number probably is in the hundreds of thousands.

How many millions of dollars a year will this cost? No one can tell me.

On a cost-effective basis, this could be an unnecessary waste of Federal Government funds. I am hopeful this amendment will never be implemented into law.

The PRESIDING OFFICER. The Senator from Arkansas (Mr. MCCLELLAN) is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, due to the very strong possibility of a number of votes on amendments following one another, there be a time limitation of 10 minutes on rollcalls from here on out.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MCCLELLAN. I believe I have unanimous consent to offer an amendment at this time. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCLELLAN. Mr. President, the amendment which I intended to offer, and which I will now not offer, is the same modification that the distinguished Senator from Texas made to his original amendment. That modification corrects one of the flaws I observed in the original amendment. I did not want it; I did not think it was wise to have the Joint Committee on Internal Revenue Taxation auditing the Senator's return or my return. I did not know who was going to audit their's. I thought it was better to have the Comptroller General audit them. I am satisfied with the amendment.

Mr. GRIFFIN and Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas. The yeas and nays have been ordered. All time has expired.

Mr. TOWER. Mr. President, I am supposed to have some more time, because was not time assigned to the Senator from Montana?

The PRESIDING OFFICER. No.

Mr. TOWER. That came out of my time?

The PRESIDING OFFICER. No.

Mr. TOWER. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TOWER. Mr. President, if I may have the attention of the Senator from Montana, was it not his intent that the results of such an extensive audit be made public information?

Mr. MANSFIELD. Yes.

Mr. TOWER. That is the intent of the Senator from Texas, so I want that understood as a part of the legislative history.

Mr. BUCKLEY. Mr. President, when I voted for the Mansfield amendment to the Tower amendment, it was not my understanding that the opinions of the Comptroller General would be published. I had assumed that the purpose of the Senator from Montana was to make sure that the tax returns of everyone in the Federal Government receiving $20,000 or more would be given the closest scrutiny, so that any question or irregularities would be called to the attention of the proper authorities, and any questions resolved in accordance with normal procedures and subject to normal safeguards.

However, in light or the colloquy between the Senators from Montana and Texas, I will have to reverse my position, and vote against the Tower amendment as amended. I simply see no legitimate purpose, in fact, to be served through this gratuitous invasion of privacy.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. The question then is on the amendment of the Senator from Texas as amended by the amendment of the Senator from Montana. Is that not correct?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the amendment of the Senator from Texas, as modified, and as amended by the amendment of the Senator from Montana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Sen-

ator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Ohio (Mr. METZENBAUM), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announced that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from Arizona (Mr. GOLDWATER), are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

The result was announced—yeas 69, nays 20, as follows:

[No. 141 Leg.]

YEAS—69

Abourezk	Fannin	Moss
Aiken	Gravel	Muskie
Allen	Griffin	Nelson
Bartlett	Gurney	Nunn
Bayh	Hartke	Packwood
Beall	Haskell	Pastore
Bellmon	Hathaway	Pearson
Bentsen	Helms	Pell
Bible	Hruska	Percy
Biden	Huddleston	Proxmire
Brooke	Hughes	Ribicoff
Burdick	Humphrey	Schweiker
Byrd, Robert C.	Jackson	Scott, Hugh
Cannon	Johnston	Sparkman
Case	Magnuson	Stafford
Chiles	Mansfield	Stevens
Clark	Mathias	Stevenson
Cook	McClellan	Symington
Cotton	McGovern	Thurmond
Curtis	McIntyre	Tower
Dole	Metcalf	Weicker
Domenici	Mondale	Williams
Eagleton	Montoya	Young

NAYS—20

Baker	Dominick	Kennedy
Bennett	Eastland	McClure
Brock	Ervin	Roth
Buckley	Hansen	Stennis
Byrd, Harry F., Jr.	Hart	Taft
Cranston	Hatfield	Talmadge
	Javits	Tunney

NOT VOTING—11

Church	Hollings	Metzenbaum
Fong	Inouye	Randolph
Fulbright	Long	Scott, William L.
Goldwater	McGee	

So Mr. TOWER'S amendment (No. 1153), as modified, was agreed to.

Mr. TOWER. Mr. President, I call up my amendment No. 1131 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 76, between lines 18 and 19, insert the following:

"(3) For purposes of this section, with respect to a political committee which establishes, administers, and solicits contributions to a separate segregated fund supported by payments from a corporation or labor organization, as permitted under section 610, the term 'contribution' includes the fair market value of services which an individual who is an employee or member of such corporation or labor organization, respectively, provides to such a committee for, or for the benefit of, a candidate, or which such an individual provides to, or for the benefit of, a candidate at the direction of such a committee.".

On page 76, line 19, strike out "(3)" and insert in lieu thereof "(4)".

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a limitation of 15 minutes on this amendment, 10 minutes for the distinguished Senator from Texas (Mr. TOWER), sponsor of the amendment; and 5 minutes for the distinguished Senator from Nevada (Mr. CANNON), who is in charge of the bill.

Mr. GRIFFIN. Mr. President, I wonder if we could have a little more time on this amendment. It is a very important amendment, and there are other Senators, including the junior Senator from Michigan, who are very much interested in making certain that the Senate knows and understands what the amendment is all about and how important it is.

Mr. TOWER. Mr. President, I will certainly be agreeable to the granting of more time. May we make it 15 minutes to a side?

Mr. MANSFIELD. That is agreeable to me.

Mr. President, I withdraw my request.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

This is a very simple amendment. Nevertheless, without it this bill cannot be objectively considered to be the "comprehensive" proposal that the proponents of it maintain it is.

This proposal amends title III of the bill, specifically section 615, dealing with limitations on contributions. As the bill now stands, an individual contribution is limited to $3,000 per candidate for each election and $6,000 for a political committee. The amendment specifically addresses the nature of a contribution by such a political committee by stating that "for purposes of this section with respect to a political committee which establishes, administers, and solicits contributions to a separate segregated fund supported by payments from a corporation or labor organization, as permitted under section 610, the term "contribution" includes the fair market value of services which an individual who is an employee or member of such corporation or labor organization, respectively, provides to such a committee for, or for the benefit of, a candidate, or which such an individual provides to, or for the benefit of, a candidate at the direction of such a committee."

This amendment would, therefore, have the fair market value of services provided at the direction of a political committee established by a labor organization or a corporation to a particular candidate counted toward the political committee's contribution limitation.

Mr. President, unless this amendment or an amendment similar in scope is approved, this so-called campaign reform bill will be nothing more than a sham. I, myself, have some philosophical reservations about imposing a contribution limitation on individual expenditures. Nevertheless, such a limitation seems inevitable. Therefore, if this legislation is to achieve the goal of controlling the aggregate impact which special interests have on our electoral process, then the limitation must apply to all contributions and not just direct cash contributions.

As far as the impact of special interests are concerned, what difference does it make whether that influence is obtained by direct cash contributions or services rendered. The influence obtained, and the danger to the political process that this bill is said to address, is not retarded or controlled when organizations are allowed to contribute thousands upon thousands of dollars in noncash services to candidates.

Under the bill as currently before us, the individual American who wishes to contribute a small sum to the candidate of his or her choice is given a subservient status when placed alongside the types and levels of contributions this amendment seeks to control and limit. The integrity of the small contributor and his or her contribution remains in doubt.

This amendment treats corporations and organized labor equally. Admittedly it has been labor unions which have impacted upon our political system by making their members available to engage in political activity by working on a candidate's campaign, doing direct mail solicitations and other traditional forms of activity. Nevertheless, I wonder whether, if this bill is passed without this amendment, corporations also will shift their emphasis to providing services to a candidate rather than direct contributions. The end effect will be that the political process will be subject to the same abuses that were apparent long before this bill was drafted.

Mr. President, a recent article in the Wall Street Journal highlighted the extent to which noncash contributions have been utilized by one particular union—the International Association of Machinists.

I want to emphasize that the vast amount of contributions in the nature of services were only obtained through a discovery proceeding as part of a legal case brought by a number of union members who successfully alleged that their dues money was being used illegally. If it were not for this discovery proceeding, the information would never have been made public. I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNIONS AND POLITICS: MONEY'S JUST ONE TOOL MACHINISTS USE TO HELP FAVORED OFFICE SEEKERS—INDIRECT AID IS A BIG ITEM, COURT RECORDS INDICATE; HOW DEMOCRATS BENEFITED

(By Byron E. Calame)

LOS ANGELES.—Like the President himself, some of Richard Nixon's foes in organized labor have been surrending sensitive political records.

The International Association of Machinists, in a case initiatcd by a group of dissident members of the union, was forced by a federal court here to release thousands of documents. They reveal in unusual detail how the IAM goes about electing its friends to federal office.

This rare glimpse into the inner workings of one of the AFL-CIO's largest (800,000 members) and most politically active unions shows that there is a lot more to a union's political clout than the direct financial contributions reported to government watchdogs—and labor's political experts say the machinists probably adhere to the campaign spending laws as closely as any union.

The documents indicate that direct gifts

are often overshadowed by various services provided free of charge to favored candidates under the guise of "political education" for union members. The indirect aid includes some of labor's most potent political weapons; assignment of paid staff members to candidates' campaigns, use of union computers, mobilization of get-out-the-vote drives.

TRIPS AND DINNERS

Dues have also been used, the documents indicate, to supply IAM-backed candidates with polls and printing services and to finance "nonpartisan" registration drives, trips by congressional incumbents back home during campaigns, and dinners benefiting office seekers endorsed by the machinists. Machinist-backed candidates are almost invariably Democrats.

An important question is whether these dues-financed activities violate federal laws that for decades have barred unions and corporations from using their treasury funds to contribute "anything of value" to candidates for federal office. Money for such direct contributions by unions must come from voluntary donations coaxed out of the members. The federal statutes do permit unions to spend dues for partisan politicking directed at the union's members and their families, on the theory that this sort of thing is internal union business, and the money used for this activity is called "education money," or "soft money."

The political activities of the machinists' union are, indeed, aimed at the union's members and are therefore proper, says William Holayter, director of the union's political arm, the Machinists Non-Partisan Political League.

DRAWING THE LINE

Even labor's critics concede that it is sometimes hard to draw the line between activities designed to sell a candidate to a union's members and those intended to sway voters in general. A member of the machinists assigned to promote a candidate among other machinists may inevitably find himself wooing other voters as well.

Still, the machinists' documents suggest that the union has often sought to provide maximum assistance to a candidate by use of soft money. "The problem," says one labor political strategist, "is that the machinists put too much in writing." The late Don Ellinger, the widely respected head of the Machinists Non-Partisan Political League who died in 1972, evidently had a penchant for memos.

Spending reports filed with the Senate for 1970 campaign show that the Machinists Non-Partisan Political League openly gave Sen. Gale McGee $5,000; the internal records now disclose that the Wyoming Democrat also received at least $9,300 in noncash assistance. Direct donations to Texas Democrat Ralph Yarborough's unsuccessful Senate reelection bid in 1970 were listed at $8,950; one document indicates he got other help worth at least $10,680. While the league poured $15,200 directly into Democrat John Gilligan's unsuccessful 1968 bid for an Ohio Senate seat, the documents show it indirectly provided more, $15,500.

RECEIPT UNREPORTED

Available records indicate that few, if any, campaign committees for machinist-backed candidates listed indirect aid from dues money as contributions. Prior to a 1972 toughening of disclosure requirements, candidates evidently found it easy to spot loopholes that were used to avoid reporting such indirect assistance.

The dissident machinists who forced disclosure of their union's files had brought their suit with the backing of the National Right to Work Legal Defense Foundation. The dissidents wanted the court to bar the union from using dues money for any political activity—including such clearly legal endeavors as politicking directed at its own members and traditional union lobbying efforts. The real goal of the right-to-work foundation is to eliminate the forced payment of dues. A federal judge dismissed the suit Dec. 19, largely because the union offered to start rebating the dues of any member who disagrees with the union's stand on political or legislative issues. The dissident group appealed the decision Jan. 10.

One questionable arrangement of the machinists helped reelect Sen. McGee in 1970. Alexander Barkan, director of the AFL–CIO Committee on Political Education, asked the machinists early that year to put the names of 65,000 "Democrats in Wyoming" on the machinists' computer for the Senator's use in "mailings, registration, etc." The minutes of the Machinists Non-Partisan Political League executive committee show that Mr. Ellinger recommended handling the chore but warned that it would have to be financed with "general-fund money" (the league's separate kitty composed of voluntary donations) and would be considered "a contribution toward the Gale McGee campaign."

Despite the warning, internal records show that bills totaling $9,302.74 for the operation were paid out of the league's political-education fund, built from dues money. Computing & Software Inc. was paid $4,696.84, Minnesota Mining & Manufacturing Co. received $414, and $4,191.90 went to reimburse the IAM treasury for cards it provided.

Doubts about such arrangements may be raised in the coming report by the Senate Watergate committee. Though Republican hopes for public hearings on union campaign contributions will probably be disappointed, the committee staff has asked unions broad and potentially explosive questions about the services provided to candidates.

Watergate revelations, some union politicians believe, have demonstrated that labor can never collect enough rank-and-file donations to rival campaign contributions by business bigwigs. "There is no way we can match them," says Mr. Holayter of the machinists. "It's silly to try." Hence the importance of the indirect contributions.

This is one reason why the AFL–CIO is pressing for public financing of federal campaigns: its strategists obviously figure that a ban on direct contributions would leave labor in a better position relative to business than it is in now.

If past performance is any guide, the machinists' union would still be a valuable supporter for its political favorites if public financing were adopted. Its indirect assistance in staffers' time alone has totaled in the tens of thousands of dollars, the court documents show.

Printing is another campaign expense that the IAM often helps its friends meet. With the 1970 elections coming up, an aide to Rep. Lloyd Meeds passed to the machinists a bill for the printing of the Washington Democrat's quarterly newsletter. "The newsletter went to every home in the Second District," the aide rejoiced in one of the released documents. "We had a tremendous, positive response to it." Although the newsletter had been distributed far beyond the IAM's ranks in an election year, a soft-money check for $695.17 to the printer was quickly dispatched to a local union official.

Early in the 1972 reelection drive of Sen. Thomas McIntyre, the Machinists Non-Partisan Political League agreed to spend $1,000 "for assistance in newsletters" put out by the New Hampshire Democrat. And earlier, during Rep. John Tunney's successful 1970 bid for a California Senate seat, the league picked up a $1,740 tab for printing of a brochure that compared the Democrat's voting record with that of the GOP incumbent, George Murphy. Some of the brochures were passed out at a county fair.

The amount of union staff time devoted to candidates' campaigns is difficult to pin down. Irving Ross, a certified public accountant retained by the suing dissident machinists to analyze the IAM documents, filed an affidavit giving "incomplete" tabulations. Mr. Ross says the time that IAM "grand lodge representatives" and "special representatives" spent on campaigns in 1972 was worth $39,175. The amounts were $58,241 in 1970 and $42,921 in 1968, he says. The IAM says the figures are too high, but it didn't challenge them in court.

A status report prepared by the machinists political unit in late August 1970 shows that at least one field representative was working full time on each of over 20 congressional campaigns. IAM agents often become almost part of the candidate's campaign staff. When Robert Brown was assigned full time to Indiana Sen. Vance Hartke's reelection campaign in May 1970, he set up an office right in the Democrat's headquarters and had the title of chairman of the Indiana Labor Committee for Hartke. Another IAM representative, William Wolfe, was assigned to Yarborough campaigns in Texas in 1970 and 1972—and was being paid out of the union treasury in May 1972 even though a new law effective in April 1972 specifically barred a union from using dues money to pay for services rendered to a candidate, thus spelling out more clearly an old prohibition.

The union also takes machinists out of the shop for campaign duty, giving them "lost time" compensation out of dues money to make up for the loss of regular pay. Thus, the files show, two Baltimore machinists got $282.40 a week while working for the Humphrey presidential campaign for five weeks in 1968. A Maryland IAM official said later that the two "did a first-rate job, especially in smoking out the local Democratic politicians who were inclined to cut the top of the ticket" and persuading them not to do so.

Rep. Richard Hanna of California got $500 from the machinists to help finance a $6,000 "nonpartisan" registration effort to help get him reelected in 1970. In a letter requesting the union's aid, the Democrat predicted that the drive would "raise the district to at least 53.5% Democratic . . . because most of the unregistered voters are Democrats." He said the registrars would be preceded by "bird dogs," meaning that Democratic workers would roam out ahead of the registrar to identify residence of unregistered Hanna supporters.

The machinists' union's airline credit cards come in handy when incumbents are eager to get home in election years. Early in 1969, the executive committee of the machinist political unit authorized the expenditure of $3,600 to buy plane tickets home for unnamed "western Senators" during the following year's campaign. The league's "education fund" provided Sen. Yarborough and his aides with $705.60 worth of tickets during his 1970 reelection campaign. The files show that $500 went to Sen. Albert Gore, Democrat of Tennessee, during his losing reelection effort in 1970.

Machinist officials contend the organization pays for such travel because the candidate speaks to a union group or "consults with union leadership" in his district. But correspondence in the files indicates that this is more of a rationalization than a reason. Take a 1969 Ellinger memo to Sen. Yarborough outlining procedures "for all transportation matters." It states:

"We would like our files to contain a letter . . . indicating that you intend to be in Texas on a particular date to consult with the leadership of our union. If a trip includes a member of your staff, the letter should also name the staff member as being included in the consultation."

"Appreciation dinners" for Senators and Representatives often serve as a conduit for "soft money." Consider the ten $100 tickets the IAM bought to a 1969 testimonial gathering for Sen. Frank Moss, Democrat of Utah, who faced an election in 1970. "Since Moss is not yet an announced candidate, we can use educational money for this event and later consider this as part of our overall contribution," the minutes of the league's executive committee explain.

Mr. TOWER. Mr. President, I want to emphasize that this amendment is drafted with the intent of controlling these kinds of noncash contributions without restricting voluntary services which an individual renders to a candidate solely at his own initiative independent from the political committee. The amendment is aimed at work done by employees of the corporation or members of the union which is under the control or direction of the political committee. The services could easily be contributed in the form of cash contributions but are not.

Mr. President, I say to all of my colleagues that if we are sincere about limiting individual contributions and consequently the aggregate impact which special interests have had on our electoral process, then we all must bite the bullet. It would be far worse to approve half-baked reforms than no reforms at all.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Vermont.

Mr. AIKEN. Would the Senator's amendment inhibit the granting of the use of a WATS line of a corporation, labor union, or Member of Congress?

Mr. TOWER. It does not prohibit it, but it must be charged against the limit, as far as its fair market value is concerned, that that organization can contribute.

Mr. AIKEN. If a corporation or a union feels that it would like to lend a fleet of cars for political purposes, would the amendment prohibit that?

Mr. TOWER. It would not prohibit it, but it would require that it be considered as a contribution within the limits imposed on the organization.

Mr. AIKEN. It would be charged to their allowable expense?

Mr. TOWER. It would be charged to their allowable, that is correct.

Mr. AIKEN. I thank the Senator. I have an amendment similar to this which I shall probably put in the RECORD later, but as long as the Senator from Texas has proposed his, it is so nearly like the one I have in mind that I probably will not offer mine.

Mr. TOWER. I thank my friend from Vermont.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Washington.

Mr. MAGNUSON. Suppose a person wanted to spend 10 days working on my or the Senator's campaign who happened to be a member of a union. How would the Senator handle that?

Mr. TOWER. This is a matter that I dealt with in my remarks. That would be legal, provided he was not doing so under the direction of his union or as an officer of a corporation, and it was not being done for or under the direction of the corporation or organization.

Mr. MAGNUSON. He could not be directed by the union?

Mr. TOWER. That is correct. In other words, if an official of BIPAC, let us say, which is a business and industrial political action committee, if an officer of that of that organization was working in a campaign at the direction of that committee, then his services would have to be counted.

Mr. MAGNUSON. But it in no way acts to prohibit an individual——

Mr. TOWER. No, I made that very clear, that this impacts not at all against the activities of individuals not under any control or direction.

Mr. MAGNUSON. They might take time out to do it on their own?

Mr. TOWER. That is right. I have individual volunteers working in my campaigns.

Mr. MAGNUSON. What would happen if a group of individuals got together on their own?

Mr. TOWER. That would be legal if they were not working under the direction of a political action committee.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from South Carolina.

Mr. THURMOND. In the event that an individual of that group was or several were inspired by a union, then what would be the effect?

Mr. TOWER. I think this would have to be a matter of adjudication, probably, to determine it. If there was a complaint that someone was working at the direction of the organization, it could, of course, be a matter for adjudication.

Mr. THURMOND. In other words, if the individual or the group, of their own free will and accord, without any direction, suggestion, or inspiration from the union, goes out and works, that is all right?

Mr. TOWER. The Senator is correct.

Mr. THURMOND. But if they do so under direction, suggestion, or inspiration from them, that would violate this section, is that correct?

Mr. TOWER. That is right.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. BIDEN. If the union endorses a candidate, and it so happens that an employee who is a member of a union ends up working for that candidate on his own, is it assumed that he is working for that union?

Mr. TOWER. No, it is not, and this would not be charged against any legal contribution that was made to the candidate by the organization endorsing him, as long as he is a self-starter, working on his own initiative and not under the direction of the contributing organization.

Mr. BIDEN. How is the direction determined?

Mr. TOWER. Well, if, for example, the union says, "All right, tomorrow morning you and you and you report to somebody's campaign headquarters and get to work and work 4 hours during the day," then you have to figure the fair market value of that 4 hours of labor as a part of the contribution. But if the individual union member, regardless of the fact that his union has endorsed a candidate, walks in and volunteers to work, that is his own business.

Mr. BIDEN. It sounds like a fairly equitable thing, but will it not turn out to be a sham? Will it not be understood that we are pulling another fraud on the American people?

Mr. TOWER. I think it depends on how the law is enforced. The whole act could be a sham, for all I know.

Mr. BIDEN. How could anyone legitimately enforce it, when there is no tighter determination as to what constitutes whether or not someone is working at the behest of a union leader? Suppose the union leader just says, "I think, TOWER, I like that guy BIDEN. Were I you, I would be out supporting the amendment and that ends it." Then you show up at my headquarters.

Mr. TOWER. If I had been coerced against my will——

Mr. BIDEN. You would not do t[illegible] would you?

Mr. TOWER. I would file a complaint.

Mr. BIDEN. I am not worried about coercion. I am worried about who determines whether you are chargeable to me.

Mr. TOWER. The court would make a determination of that, in a situation like that. The election commission—the organism set up in the bill

The point I am trying to make is if someone were directing a person to work in a campaign on the organization's time, someone who is an employee of that organization——

Mr. CANNON. That would be a direct violation of section 610 right now. That would be a violation of existing law.

Mr. TOWER. No, no—in a political committee.

Mr. CANNON. It is a violation for a union or a corporation to direct someone——

Mr. TOWER. That is not my und[illegible] standing.

Mr. CANNON. To work in a campaign.

Mr. GRIFFIN. Mr. President, I was not intending to comment on the question of the distinguished chairman. If it is really a violation, then there would be no objection——

Mr. TOWER. That is right.

Mr. GRIFFIN. To accept the Senator's amendment. But I should like to ask a question on a different point, for purposes of trying to determine what the amendment does and would mean.

In 1970, in the election in Michigan for Governor, as I recall, there were allegations that the UAW gave members who were striking against General Motors at that time—in order to draw their strike benefits, they had to march in a picket line—the option, as I understand it, of going to work in the Democratic campaign. If they did work in the Democratic campaign then they were given credit as though they had walked the picket line and drew their strike benefits.

Would the Senator from Texas have

some comment on what impact his amendment would have on that?

Mr. TOWER. It would be prohibited under the provisions of the amendment.

Mr. GRIFFIN. I thank the Senator from Texas.

Mr. TOWER. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. STAFFORD). Who yields time?

Mr. CANNON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. CANNON. Mr. President, I simply point out that under section 610 of the Corrupt Practices Act at the present time, it is unlawful for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election, and so forth. Certainly, if a corporation or a labor union pays the salary of an individual and puts that person out to work for a candidate, that is unlawful. It is unlawful under existing law. I should like to know whether the Senator intends to go beyond that.

In section 610 as modified—we have amended 610 to clarify the definitions, and it says, as used in the section, the phrase "contributions or expenditures"—then it goes on to define them as follows:

> But shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: . . .

Is it the Senator's intention to change any part of that existing law that I have just referred to?

Mr. TOWER. It is the intention of the Senator from Texas. The language of the amendment reads this way:

> For purposes of this section, with respect to a political committee which establishes, administers, and solicits contributions to a separate segregated fund supported by payments from a corporation or labor organization, as permitted under section 610, . . .

The PRESIDING OFFICER. The time of the Senator from Nevada has expired. Does the Senator yield himself additional time?

Mr. CANNON. Mr. President, I am not yielding to him on my time. He is using his own time. I cannot yield my time, so I am not using up my time.

The PRESIDING OFFICER. The Chair is informed that the Senator yielded to the Senator from Texas for a question on his 2 minutes.

Mr. CANNON. Well, Mr. President, under the rule on cloture, a Senator cannot yield his own time. I would ask the Parliamentarian if that is correct. I yielded for a question but the answer has to come on the time of the person who is answering.

The PRESIDING OFFICER. The Chair would state that the time does not come out of the other side.

Mr. CANNON. For answering a question? I am not answering a question. I am still listening. [Laughter.]

Mr. TOWER. And I have already provided the answer.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mr. TOWER. Mr. President, most of this talk has been about labor organizations but the same kind of abuse can be practiced by a corporation as well. As I pointed out in my remarks, if this amendment is not passed, then corporations might be encouraged to contribute time and effort which is not measured in monetary terms.

The unions are solidly against this amendment, which is true, so in all probability it will not pass. Nonetheless, it should be understood it cuts both ways, against labor organizations as well as business organizations.

Mr. CANNON. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. It would appear that what the Senator is attempting to do is to prohibit any volunteers who are in a separate organization, on a voluntary basis, from working, without charging that time. I presume that would apply to the young Republicans, to the young Democrats, or to any other organization.

Mr. TOWER. No. It applies only to section 610. The specific reference is made to section 610.

Mr. CANNON. It certainly reaches into the "separate segregated funds" in which we have already determined——

The PRESIDING OFFICER. The 1 minute of the Senator has expired.

Mr. CANNON. Mr. President, I yield myself another minute.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 additional minute.

Mr. CANNON. We have already tried to encourage the use of voluntary organizations and to encourage the establishment of "separate segregated funds" both in union organizations and in management organizations so that they can participate on a voluntary basis in the election process.

Mr. President, I submit that this is just an attempt to reverse the position that Congress has already taken and is well established.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Texas (No. 1131).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Ohio (Mr. METZENBAUM), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 40, nays 48, as follows:

[No. 142 Leg.]

YEAS—40

Aiken	Curtis	McClure
Allen	Dole	McIntyre
Baker	Domenici	Packwood
Bartlett	Dominick	Percy
Beall	Eastland	Roth
Bellmon	Ervin	Stafford
Bennett	Fannin	Stennis
Biden	Griffin	Stevens
Brock	Gurney	Taft
Buckley	Hansen	Thurmond
Byrd, Harry F., Jr.	Haskell	Tower
Chiles	Helms	Weicker
Cotton	Hruska	Young
	McClellan	

NAYS—48

Abourezk	Hathaway	Muskie
Bayh	Huddleston	Nelson
Bentsen	Hughes	Nunn
Bible	Humphrey	Pastore
Brooke	Jackson	Pearson
Burdick	Javits	Pell
Byrd, Robert C.	Johnston	Proxmire
Cannon	Kennedy	Ribicoff
Case	Magnuson	Schweiker
Clark	Mansfield	Scott, Hugh
Cook	Mathias	Sparkman
Cranston	McGovern	Stevenson
Eagleton	Metcalf	Symington
Gravel	Mondale	Talmadge
Hart	Montoya	Tunney
Hartke	Moss	Williams

NOT VOTING—12

Church	Hollings	Randolph
Fong	Inouye	Scott, William L.
Fulbright	Long	
Goldwater	McGee	
Hatfield	Metzenbaum	

So Mr. TOWER's amendment (No. 1131) was rejected.

Mr. TUNNEY addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. COOK. Mr. President, will the Senator yield to me briefly?

Mr. TUNNEY. I yield.

OUTER CONTINENTAL SHELF LEASES

Mr. COOK. Mr. President, yesterday I was notified that the Department of the Interior had accepted 91 bids for their Outer Continental Shelf oil and gas drilling rights off the coast of Louis-

iana. At the same time, I was informed that 23 bids were rejected on the basis of insufficient returns to the Government.

The total bonus payments to the United States from acceptable bids were $2,092,510,853.50 for the rights to drill on 421,218 acres off the Gulf of Mexico. As the amount offered for the 23 bids rejected totalled $82,584,660, I requested that I be informed as to the value that the Government placed on these leases per barrel of recoverable oil or M ft³ of recoverable gas. I was informed today by the Bureau of Land Management that a value of $5.50, $6.50, and $7.50 per barrell of oil had been used and a value of 45 cents, 55 cents, and 65 cents per M ft³ placed on the gas.

Mr. President, this is very interesting in that at the present time the Federal Government requires that this natural gas be sold in interstate market and further sets the rate at which this gas be sold. Since this average rate in the interstate market is now some 27 cents per M ft³ and much lower than the price established by the Federal Government on the value of the gas, it would seem to me that we are placing the industry itself at a great disadvantage. Accordingly, I intend to bring this matter to the attention of the Federal Power Commission and the Department of the Interior to determine if some reconciliation can be made concerning these valuable natural resources.

On several occasions on the floor of the Senate, I have raised my voice in opposition to the programs which have forced this Nation to become dependent on foreign powers for its energy fuels. I am convinced that we have not solved our problems, and while this Congress has passed a few pieces of emergency energy legislation, nothing has been done to address the long-range problems.

I submit to my colleagues that we must increase—not decrease—our efforts to find new energy sources and to develop those which we know to be available.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

AMENDMENT NO. 1136

Mr. TUNNEY. Mr. President, I call up my amendment No. 1136.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 9, line 24, strike out all through page 10, line 2, and substitute in lieu thereof the following:

SEC. 503. (a) (1) Every eligible candidate is entitled to payments in connection with his primary election campaign in an amount which is equal to the amount of contributions received by that candidate or his authorized committees, except that no contribution received as a subscription, loan, advance, or deposit, or as a contribution of products or services, shall be taken into account.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 15 minutes on the pending amendment, 5 minutes to be allotted to the manager of the bill, the Senator from Nevada (Mr. CANNON) and 10 minutes to the sponsor of the amendment, the Senator from California (Mr. TUNNEY).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, this amendment relates only to primary campaigns and it specifies that only monetary contributions will be eligible for reimbursement from Federal funds. The contribution of services and products, and loans would not be eligible for matching once the threshold has been reached that will then trigger the contribution of Federal funds. The way the bill now reads there is a loophole as it relates to the contribution of services, products, and loans. These products, services, and loans cannot be used for the purpose of reaching the threshold of contributions which will then trigger the use of Federal funds.

Once the threshold is met, the language of the bill is silent as it relates to loans and contributions of products and services.

What could happen is that a person, after he reached the threshold and is eligible for Federal contributions, would have a fund-raising dinner at a hundred dollars a plate, but the notice sent out would read that the money contributed would only be a loan. Then, when the candidate received from the Federal Government on a matching basis the contribution as specified by the legislation, that $100 loan would be returned to the invitee. I think it would start a new rage in political dinners. I can foresee situations where many people would turn out to the dinner with the idea that their $100 was only going to be used on a loan basis and that they were going to get the money back. This would provide a greater contribution by the Federal Government to the primary campaigns than is envisioned in the law as written, because it is supposed to be on a 50-50 basis once the threshold is reached.

This amendment would close that loophole and make the donations conform to the language prior to the time the threshold is reached.

I hope the committee will accept the amendment.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

I do not share any skepticism of the reliability of people who are candidates for public office, nor do I assume a person would have time to go out for a $100-a-plate fundraising dinner to pledge the people that their money would be returned after the candidate received matching funds from the Federal Government. It would be completely illegal under the present act.

However, I see no difficulty in providing that language and I would be happy to accept the language if it made the Senator feel better. It does not add anything to the legal portions of the bill.

Mr. President, I am willing to accept the amendment.

Mr. TUNNEY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. CANNON. I yield back my time on the amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1176, AS MODIFIED

Mr. BROCK. Mr. President, I call up my amendment No. 1176 and I ask unanimous consent that the amendment may be modified as indicated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 77, between lines 5 and 6, insert the following:

"(g) This section does not apply to contributions made by the Democratic or Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee,".

The PRESIDING OFFICER. The question is on agreeing to the modification. Without objection, the amendment is so modified.

Mr. BROCK. Mr. President, I raise this matter again because of the confusion we had in previous debate with regard to the effect of my exempting amendment of House and Senate campaign committees and the amendment of the junior Senator from Iowa which repealed, effectively, that first amendment.

This amendment is far more limited in impact and would achieve my original intent.

I have discussed this matter with the Chairman of the Committee on Rules and Administration and described what it does specifically. It removes only the committees from the law insofar as contributions are concerned. But it specifically does not affect their limitation of the $1,000 ceiling or the ceiling on contributions they can receive from an individual or group.

I hope the amendment will now prove satisfactory to this body.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I supported the principle of this amendment when the Senator first presented it. I have no objection to the amendment and I am prepared to accept it.

Mr. CLARK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. CANNON. I yield to the Senator from Iowa on his time.

The PRESIDING OFFICER. The Senator from Iowa is recognized on his time.

Mr. CLARK. Mr. President, this amendment, of course, already has been debated and voted on. With respect to exempting the congressional and senatorial campaign committees from any contribution limitations, it is exactly the same amendment that was repealed in this body on Monday by a vote of 44 to 35.

The only thing that is changed about the amendment is one letter, which was just agreed to. Indeed, if there had been an objection to that change, the amendment would not have been in order.

It seems to me we are simply wasting a lot of the Senate's time by voting on substantially the same amendment we have already repealed. The Senate has expressed its will very clearly on this issue, and I, therefore, move to lay the amendment on the table, and ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Ohio (Mr. METZENBAUM), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

The result was announced—yeas 49, nays 40, as follows:

[No. 143 Leg.]

YEAS—49

Abourezk	Haskell	Nunn
Aiken	Hathaway	Packwood
Allen	Huddleston	Pastore
Bayh	Hughes	Pearson
Bible	Humphrey	Pell
Biden	Jackson	Proxmire
Brooke	Javits	Ribicoff
Burdick	Johnston	Roth
Byrd, Harry F., Jr.	Kennedy	Schweiker
Byrd, Robert C.	Magnuson	Stennis
Case	Mansfield	Stevenson
Chiles	Mathias	Symington
Clark	McGovern	Talmadge
Eagleton	McIntyre	Tunney
Gravel	Mondale	Weicker
Hart	Montoya	Williams
	Moss	

NAYS—40

Baker	Domenici	Metcalf
Bartlett	Dominick	Muskie
Beall	Eastland	Nelson
Bellmon	Ervin	Percy
Bennett	Fannin	Scott, Hugh
Bentsen	Griffin	Sparkman
Brock	Gurney	Stafford
Buckley	Hansen	Stevens
Cannon	Hartke	Taft
Cook	Hatfield	Thurmond
Cotton	Helms	Tower
Cranston	Hruska	Young
Curtis	McClellan	
Dole	McClure	

NOT VOTING—11

Church	Hollings	Metzenbaum
Fong	Inouye	Randolph
Fulbright	Long	Scott, William L.
Goldwater	McGee	

So Mr. CLARK's motion to lay on the table Mr. BROCK's amendment, as modified, was agreed to.

Mr. BROCK. Mr. President, I have another amendment; but before I address it, I should like to express my regret at the way the previous vote was brought upon us. I think that the Senator from Iowa (Mr. CLARK), as a matter of honest conviction, thought that the amendment I had offered was the same amendment as had been debated previously. He was in error. I have to assume that he did not know that. But the fact is that when we get into that kind of situation, when time is left on an amendment and a statement is made that could be rebutted, a motion to table precludes the opportunity for rebuttal. I regret very much that we did not have a chance to explain the amendment to the Senate.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. CLARK. The Senator from Iowa consulted the Parliamentarian yesterday after the amendment of the Senator from Tennessee had been offered, and got an opinion from the Parliamentarian that the amendment was not in order as it was written. That was the basis for my statement. Obviously, having been given consent to amend the amendment by one letter, the amendment was in order.

As the amendment was printed, it was not in order, according to the advice of the Parliamentarian, Dr. Riddick. That was the basis of my statement.

Mr. BROCK. The statement is to the effect that the amendment was not changed by one word, not one phrase, not one fact.

I would say to the Senator from Iowa that perhaps he did not read the amendment, or perhaps he saw the wrong version, because the amendment, even as originally submitted at the desk, was not altered in a substantial way from that which was originally offered, from which we eliminated the section which resulted in the thousand dollar ceiling. We eliminated the first paragraph in its entirety. That paragraph related to section 614, on page 75.

We changed the language in the second paragraph to be specific in terms of the removal of exemption in terms of money.

But I would hope that Senators did not vote out of an erroneous impression. I am perfectly willing and prepared to lose a vote on the merits. I understand that. I hope that is the case in this particular instance. I wish we had had plenty of time to explain it. I would feel more comfortable if I had lost after I had had a chance to present a point of view different from that of the Senator from Iowa.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BROCK. Certainly.

Mr. CLARK. There is a very easy way to test the validity of that argument, because the Senator from Tennessee offered two amendments, Nos. 1176 and 1181, both of which are identical in every respect. Amendment No. 1181 is still available. If that amendment is in order, it could be called up at this time, and the Parliamentarian could rule on its validity.

Mr. BROCK. I think that even I would object to that, because it is identical to the original language in every jot and tittle. Perhaps that is how the Senator became confused in saying that they were the same, verbatim. They were not. But I shall not pursue that particular matter. I do not think that enough Senators are in the Chamber to change the outcome. I am not certain that the outcome is not pretty well predictable. We have set our course upon legislation that simply cannot be enacted. We have decided to exercise our privilege to amend the bill to the point where it is a disaster. It cannot be effectuated by any stretch of the imagination.

So perhaps we had better proceed with the charade. I cannot obviously support the bill as it is written. I consider it an insult to the American people and to their intelligence. I consider it an abridgement of their freedom and rights. But that is something they will have to decide when they face the issue.

Before I terminate my rather brief part in these proceedings, I should like to say one thing more. The members of the Committee on Rules and Admnistration have labored long and hard on the bill. The chairman, the distinguished Senator from Nevada (Mr. CANNON), and the ranking minority member, the distinguished Senator from Kentucky (Mr. COOK), have endured graciously and with a great deal of self-restraint. They have done an exquisite job, and to them I wish to pay my respects.

I should also like to pay my respects to the committee's chief counsel, Jim Duffy; to Jim Medill, the minority counsel of the subcommittee; and to Joe O'Leary, of the Committee on Rules and Administraton.

I wish also to thank Lloyd Ator and Bob Cassidy, of the legislative counsel's office.

These men have done outstanding work on this bill. They have assisted me with candor, ability, and integrity. I am very grateful to them, and I desire to have the RECORD show my appreciation.

Mr. President, I thank my colleagues for their attention.

Mr. AIKEN. Mr. President, I advised the Senate last night that I had six amendments which I thought would strengthen the bill now before us and make it more acceptable and more workable.

However, I find that two of those amendments have already been discussed by this Senate. A third one was partially covered by the amendment offered by the Senator from Texas (Mr. TOWER), which was defeated earlier today; and I realize that no amendment is now going to improve the fortunes of this bill or of any other bill which proposes to strengthen our election laws at this time.

I am very much in favor of stronger

election laws. I realized when we virtually insisted that the committee report out a bill by a certain date this spring that we were not giving them time enough to write a really good bill.

As the bill now stands, it is quite obvious that no bill at all will become law which resembles this one as it now stands.

I appreciate the fact that the Senate has given me the right to offer these amendments, the four which I have left, even though they were not printed. But at this time I feel that I would like to simply offer them, with a short description of each, for printing in the RECORD.

They are four good amendments, which would have made a better bill of this measure, but with the way the bill has been handled and treated up to now, with the amendments which have been defeated and the amendments which have been approved, it is worse than no bill at all, and it is my firm belief that if this bill is accepted by the Senate it will mean no strengthening of the election laws this year at all.

It could be possible to strengthen these laws if the bill were recommitted and the committee were to have a chance to profit by the examples of the past 2 weeks. But I am not going to make the motion to recommit. If it is to be recommitted, that will have to be moved by those who have been strongly in favor of the bill. As it is now, I ask unanimous consent that my four proposed amendments and a résumé of each be printed in the RECORD.

There being no objection, the résumés and amendments were ordered to be printed in the RECORD, as follows:

RÉSUMÉ NO. 1

Mr. President, one way to cut down campaign expenses is to cut down campaign costs, and one way to do this is to shorten the time for campaigning.

It will cut down the time for spending.

There is no sense why we spend so much time campaigning.

The British and the Canadians accomplish the same end result in a far shorter time and for a fraction of our costs.

My amendment follows the intent, although not the language, of S. 343 which is pending before the House Elections Subcommittee.

This should be part of S. 3044.

This amendment requires that primary elections for Federal office be held during a period that extends from the Tuesday after the first Monday in June until general election date.

This will change our present situation which has primaries among the States scattered throughout the calendar year from Winter to Fall, but it still gives the States wide latitude in picking or choosing a time for their primaries to suit their specific requirements.

Presidential preference primaries would also be held anytime after the first Tuesday after the first Monday in June until convention time. Party conventions would be held beginning the 3rd Monday in August.

This amendment falls in line with the objectives of S. 3044 which seeks to reform our election laws.

This amendment is a step towards cutting down our election costs and expenditures.

On page 86, line 17, insert the following:

AMENDMENT

TITLE VI—TIMES OF CONDUCTING FEDERAL OFFICE PRIMARY ELECTIONS AND NATIONAL NOMINATING CONVENTIONS

CONGRESSIONAL PRIMARIES

SEC. 601. (a) If, under the law of any State, the candidate of a political party for election to the Senate or to the House of Representatives is determined by a primary election or by a convention conducted by that party, the primary election or convention shall be held on or after the Tuesday after the first Monday in June. If a subsequent, additional primary election is necessary to determine the nominee of any political party in a State, that additional election shall be held within thirty days after the date of the first such primary election.

(b) For purposes of this section—

(1) the term "State" means each of the several States of the United States. the Commonwealth of Puerto Rico, the Territory of Guam, and the Territory of the Virgin Islands; and the District of Columbia.

(2) a candidate for election as Resident Commissioner to the United States, in the case of the Commonwealth of Puerto Rico, or as Delegate to the House of Representatives, in the case of the Territory of Guam or the Territory of the Virgin Islands, shall be considered to be a candidate for election to the House of Representatives.

PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS

SEC. 602. (a) No State which conducts a presidential preference primary election shall conduct that election before the first Tuesday after the first Monday in June during any year in which the electors of the President and Vice President are appointed.

(b) For purposes of this section, the term—

(1) "presidential preference primary election" means an election conducted by a State, in whole or in part, for the purpose of—

(A) permitting the voters of that State to express their preferences for the nomination of candidates by political parties for election to the office of President, or

(B) choosing delegates to the national nominating conventions held by political parties for the purpose of nominating such candidates; and

(2) "State" means each of the several States of the United States, and the District of Columbia.

NATIONAL NOMINATING CONVENTIONS

SEC. 603. (a) The Congress finds that—

(1) the Presidential preference primary election (as defined in section 602(b)(1)) and the conventions held by national political parties for the purpose of nominating candidates for the office of President and Vice President constitute an integral part of the process by which such officers are chosen by the people of the United States;

(2) by limiting the length of time during which the general election campaign for election to such offices occurs, the integrity of the electoral process is better secured; and

(3) in order to protect the integrity of the Presidential election process and to provide for the general welfare of the Nation, it is necessary and proper for the Congress to regulate the part of that process relating to the nomination of candidates for election to the Office of President by prescribing the time during which such elections and conventions shall be held.

(b) Any political party which nominates its candidate for election to the Office of President by national nominating convention shall hold that convention beginning on the third Monday of August of the year in which the electors of the President and Vice President are appointed.

(c) The district courts of the United States shall have jurisdiction, upon application made by the Attorney General, to enjoin the members of a political party from conducting a national nominating convention for the purpose of nominating the candidate of that party for election to the Office of President in violation of the provisions of subsection (b).

RÉSUMÉ NO. 2

Mr. President, the amendment I am offering would prohibit the short campaign advertising spot of ten, fifteen, twenty, or thirty seconds or up to five minutes unless it is a live or videotaped presentation by the candidate, speaking on his own behalf and without any props, backdrops or sound effects.

In other words, a candidate under this amendment can purchase short television advertising spots for his campaign only if it is of his speaking directly to the electorate.

He can be photographed seated at a table or perhaps standing at a lecturn, whatever his preference.

The focus is directly on the candidate and the purpose is to communicate stands and issues.

That is really what a campaign is about—to get one's positions and ideas to the voter to to persuade the voter that these positions and ideas would best serve him.

Our campaigns have become too much Madison Avenue image and candidates are packaged as a commodity to be bought and sold.

And they are sold like many of our products on the market today—by the short spot which develops an image, but tells us substantially little about the product itself or the ingredients which make up this product.

A candidate can speak for himself.

Madison Avenue isn't needed.

Our campaigns are expensive and costs are increasing rather than being cut down.

And television advertising is a prime expense.

If adopted, this amendment will encourage discussion of specific issues.

It will also cut down costs because it can't be expensive to produce the short spot in which the candidate stands in a television studio in front of a television camera.

This is also an easy restriction to enforce.

If we are seriously interested in cutting down our campaign costs, tihs is an ideal amendment to support and include in this legislation.

AMENDMENT

On page 26, between lines 17 and 18, insert the following:

(d) Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (d), (e), (f), and (g) as (e), (f), (g), and (h), respectively, and by inserting after subsection (c) the following new subsection:

"(d) No television broadcasting station may sell or otherwise make available broadcast time in segments of less than five minutes duration for use by or on behalf of a legally qualified candidate in connection with his campaign for nomination for election, or election, to Federal elective office. The preceding sentence does not apply in the case of a personal appearance by a candidate photographed in a broadcasting studio without photographic, musical, or other embellishment, whether for simultaneous transmission or through the use of videotape, during which the candidate speaks for the duration of the broadcast."

On page 26, line 18, strike out "(d)" and insert in lieu thereof "(e)".

On page 27, line 14, strike out "(e)" and insert in lieu thereof "(f)".

RÉSUMÉ No. 3

Mr. President, this amendment would prohibit corporations or labor unions from setting up a special, segregated fund for the purpose of collecting funds for contribution to a candidate or to a campaign committee or other activities to exert influence in an election.

This does not deny an individual his constitutional rights.

This amendment still permits individual corporate employees, the president, clerk or line assemblyman—or a union member—local president, shop steward or journeyman—to participate in a campaign. They all can contribute the dollar amounts allowed by law and try to persuade their neighbors to vote their way.

It would eliminate the potential political mischief and abuse.

This amendment returns to the situation prior to 1971 Federal Election Campaign Act when Congressional sanction was given for corporations and labor unions to establish and administer separate, segregated funds for political purposes.

It would lessen to some extent the influence of these organizations in our campaigns and give the individual citizen a greater role in our elections, which election reformers say is needed.

That is what they are arguing: eliminate the force of the vested interests and give the man-in-the-street a more dominant influence in our elections.

One start in that direction is to eliminate the source of influence that can be exerted by an organization—business or otherwise—and by the political money pots these organizations can muster up.

AMENDMENT

On page 28, line 7, after the semicolon insert "or".

On page 28, line 11, strike out the semicolon and insert in lieu thereof a semicolon, closing quotation marks, and another semicolon.

On page 28, strike out lines 12 through 16.

On page 29, beginning with line 1 strike out through "organization" in line 5.

On page 30, beginning with line 19, strike out through line 2 on page 31 and insert in lieu thereof the following:

"(3) does not include the value of services rendered by individuals who volunteer to work without compensation on behalf of a candidate;";

On page 65, line 22, after the semicolon insert "and".

On page 66, line 2, strike out "party; and" and insert in lieu thereof "party.".

On page 66, strike out lines 3 through 5.

On page 71, strike lines 1 through 12 and insert in lieu thereof the following:

PROHIBITION OF THE ESTABLISHMENT OF SEPARATE SEGREGATED POLITICAL FUNDS BY CORPORATIONS AND LABOR ORGANIZATIONS

SEC. 303. Section 610 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"It is unlawful for any national bank, corporation organized by authority of any Law of Congress, other corporation, or labor organization to establish, administer, or solicit contributions to a separate segregated fund to be utilized for political purposes or to encourage any person to make a contribution or expenditure by physical force, job discrimination, financial reprisals, or the threat thereof, or by requiring any person to make a contribution or expenditure as a condition of employment or as a condition of membership in a labor organization.".

On page 74, line 21, after the semicolon insert "and". On page 74, line 23, strike "party; and" and insert in lieu thereof "party.".

On page 74, beginning with line 24, strike out through line 4 on page 75.

RÉSUMÉ No. 4

Mr. President, if we want to control campaign contributions and expenditures. This amendment aims to cover one area pretty much left untouched by S. 3044.

When it comes to monetary contributions, the Committee is specific.

An individual can contribute no more than $3,000 to any single Federal candiate and no more than $25,000 in total political contributions during a calendar year.

Contributions of $100 or more must be by written instrument.

There is nothing to prevent my offering the use of my office in Town X, its desks, telephones water lines, Xerox machine for campaign workers to use for one day, one weekend or more for the purpose of contacting voters or getting out the vote, or mass produced articles.

This is as important in a close contest as the television broadcast or the mailing, but there is a difference.

There is no way that this "in-kind" contribution is required to be on the reports of the candidates.

This amendment allows the monetary contribution; it allows the services of a campaign volunteer.

This amendment would require, however, that a candidate purchase and make a monetary expenditure for this campaign service.

Such an expenditure would have to be realistic and in accordance wtih going rates and expenses in the area for office space and equipment expenditures.

A dollar would not cover the cost of using, for instance, a mid-city office or even the basement of a home for a fund-raising cocktail party.

These are all extras that benefit a candidate and should very much be counted as part of his campaign.

To omit would be to misrepresent the actual campaign cost and violate the spirit and intent of S. 3044, which is to have complete disclosure and accounting for campaign activities.

AMENDMENT

On page 77, line 10, strike out "No" and insert in lieu thereof the following: "No person may make a contribution of goods or services to, or for the benefit of, any candidate or political committee other than a contribution of that person's personal services. "No".

Mr. AIKEN. I am sorry that the situation has turned out as it has. I very much wanted to strengthen our election laws, but I think any prospect of strengthening them has gone down the drain. I cannot even vote for the bill itself as it is now.

Mr. CANNON. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, could we have a show of hands as to how many amendments there might still be to be considered?

It looks like three or four. Would the Senator from Ohio, who is to be recognized next, consider a further time limitation?

Mr. TAFT. Yes, I would be agreeable.

Mr. MANSFIELD. 15 minutes to be equally divided, or 10 minutes?

Mr. TAFT. 15 minutes would be adequate.

Mr. MANSFIELD. I make that unanimous consent request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1151

Mr. TAFT. Mr. President, I call up my amendment No. 1151, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment, which is as follows:

On page 52, line 8, change the period to a comma and insert thereafter the following: "except that a political committee described in section 301(d)(2) may be designated as the central campaign committee of more than one candidate for purposes of the general election campaign.".

Mr. TAFT. Mr. President, I ask unanimous consent to substitute a perfecting amendment changing the language of the bill.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. TAFT's amendment (No. 1151, as modified) is as follows:

On page 52, line 8, change the period to a comma and insert thereafter the following: "except that a political committee described in section 301(d)(2) may be designated as the central campaign committee of more than one candidate for purposes of the general election campaign. And if so designated, it shall comply with all reporting and other requirements of law as to each condidate for whom it is so designated as if it were the central campaign committee for that candidate alone.

Mr. TAFT. Mr. President, this amendment would exempt national and State political party organizations from the restriction that a "political committee" can serve as the "central campaign committee," or financial administrator, for only one political candidate's general election campaign. Its purpose and effect would be to allow the national and State party organizations to perform this bookkeeping function for as many candidates as desired. The amendment does not change the accounting and disclosure requirements which the bill imposes on each candidate's campaign operations, nor does it change the amount of contributions and expenditures allowable either for any single candidate or for the political parties acting as independent entities.

I believe that this amendment is necessary so that the political parties will be able to administer financial operations for any candidate who agrees that this approach is desirable, as the parties do now in some cases. As the Vice President emphasized in Chicago last Saturday, if the Republican National Committee had been responsible directly for financial administration of the 1972 Presidential campaign, the chances of a Watergate occurring might have been eliminated. By permitting total party financial operation of general election campaigns at the State and national levels, my amendment should provide an alternative that in some cases would foster better supervised and more professional campaign operations.

Specifically, it would eliminate the problem that has been pointed out so vividly with regard to CREEP. With this bill, as now amended, for all practical purposes we have institutionalized

CREEP. We make it absolutely necessary and required by law that the national, and in the case of State elections the State, campaign committees could not act as the central campaign committee for financial or other purposes of the candidates who are nominated.

This, to me, is sheer foolishness. I have tried to get this amendment in previously. It is not in any way an attempt to change the reporting requirements. I think the language of the amendment as modified makes that abundantly clear; I thought it was clear previously.

For the purpose of the record, I would also say that a number of candidates in my own State in recent campaigns have used the State committee for this purpose, and it has been, I think, a very economical way to handle the campaigns. The present Attorney General of the United States, William Saxbe, as I recall, in his Senate campaign in 1968 used the Ohio State Committee as his campaign committee to do all the reporting required federally, statewide, or otherwise.

I think this is a change that makes sense. The bill still has a great many problems in it, but I think we at least ought to get this on record as expressing the desire of the Senate.

Mr. CANNON. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, after discussing the matter with the interested parties, that on the Packwood-Baker amendment there be a 15-minute limitation, 10 minutes to the sponsors of the amendment and 5 minutes to the chairman of the committee, and that on the Allen amendments there be a 10-minute time limitation, 5 minutes to each, the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I yield myself 1 minute.

In S. 372, passed just last year, we had a precise prohibition against a central campaign committee acting as such for more than one candidate. I think that is probably the reason it was carried over here in this bill.

The Senator from Ohio has now modified his amendment to make it absolutely clear that the campaign committee, if it were designated the political committee or the senatorial campaign committee for more than one candidate, would have to comply with precisely the same reporting provisions as if that were the sole candidate they were acting for.

With that restriction, as he has now modified his amendment, I am willing to accept that. I have discussed it with the minority representative, and we are willing to accept the amendment.

Mr. TAFT. I thank the chairman. I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HELMS). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 1151) of the Senator from Ohio, as modified.

The amendment was agreed to.

AMENDMENT NO. 1058

Mr. ALLEN. Mr. President, I call up my amendment No. 1058 and ask that it be stated.

The PRESIDING OFFICER (Mr. HELMS). The amendment will be stated.

The legislative clerk read as follows:

On page 8, line 7, strike the period, insert in lieu thereof a comma and add the following: "with not less than $2,500 in matchable contributions having been received from legal residents of each of at least forty States.".

Mr. ALLEN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. ALLEN. This amendment has to do with the threshold amount required for a candidate for the Presidential nomination of one of the major parties. The threshold amount, before participation by the Federal Government is required, is set at $250,000. That could all be obtained in one city, one county, or one State. It would encourage the proliferation of minor candidates for the Presidency, with more Federal subsidies, and would not limit the race to the real contenders.

The purpose of the amendment is to say, in effect, that a person must have a national following before he is able to obtain Federal subsidies. It would require not less than $2,500 matchable contributions—these contributions up to $250,000—not less than that would have to be received from legal residents of 40 States, at least; in other words, $100,000 or $250 would have to be scattered out equally among the 40 States, assuring that we would have men of national caliber and reputation participating in the Federal subsidy and it would discourage entry of one-issue candidates, candidates of localized pressure groups.

I am hopeful that the chairman and the ranking minority leader would accept the amendment. It would strengthen the bill, if we already have public financing, which I hope we will not have.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. CANNON. There is a great deal of merit to what the distinguished Senator from Alabama has said, that we should not permit a single State candidate to be in a position to qualify under the bill, although I believe his provision of 40 States would be rather burdensome, which would require a potential candidate to campaign quite broadly throughout the country. That certainly might be burdensome because of the fact that many of the States are rather sparsely populated.

I have discussed this with the ranking minority member, and if the Senator were to change his amendment from a 40-State requirement to perhaps 15 or 20 States, we would be inclined to accept it, because it does seem to be rather burdensome to have the 40-State requirement.

Mr. ALLEN. In changing it to 20 States, say, if I should be agreeable to that suggestion, would the distinguished chairman and the distinguished ranking minority member agree that the $2,500 should be raised to $5,000, which would still require $100,000 equally divided among the 20 States?

Mr. COOK. That would be okay.

Mr. CANNON. That would be reasonable. If we could reduce it to 20 States, with $5,000, we would accept the amendment.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may modify my amendment in that fashion in order that it can receive the backing of the chairman and the ranking minority leader.

The PRESIDING OFFICER (Mr. DOMENICI). Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered. Will the Senator please send his modification to the desk?

Mr. COOK. Mr. President, will the Senator from Alabama yield me some time?

Mr. ALLEN. I yield 2 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOK. Mr. President, unless [illegible] is a prerequisite under the rules, I wonder whether the President of the Senate could request that the modification be made by the clerk in the amendment now at the desk, changing it from $2,500 to $5,000 and from 40 States to 20 States.

Mr. ALLEN. Mr. President, I have made the change and send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified. The clerk has already made the changes.

The text of the amendment, as modified, reads as follows:

On page 8, line 7, strike the period, insert in lieu thereof a comma and add the following: "with not less than $5,000 in matchable contributions having been received from legal residents of each of at least twenty States.".

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment as modified of the Senator from Alabama (Mr. ALLEN) (No. 1058).

The amendment as modified (No. 1058), was agreed to.

AMENDMENT NO. 1078

Mr. BAKER. Mr. President, is it in order to call up my amendment No. 1078 at this time?

The PRESIDING OFFICER. The amendment is in order.

Mr. BAKER. Mr. President, I call up my amendment No. 1078 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 25, strike out lines 15, 16, and 17 and insert in lieu thereof the following:

(b)(1) Section 315(b) of such Act (47 U.S.C. 315 (b)) is repealed.

(2) Subsections (c), (d), (e), (f), and (g) of such section are redesignated as sub-

otions (b), (c), (d), (e), and (f), respec-vely.

Mr. BAKER. Mr. President, this nendment is offered on behalf of my-elf and the Senator from Oregon (Mr. 'ACKWOOD) and the Senator from Colo-ado (Mr. DOMINICK).

Mr. President, I ask for the yeas and ays.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, this mendment would repeal the lowest unit ost provisions of the Communications ct of 1934, as amended. It is entirely onsistent with the pending legislation hich repeals broadcast advertising ending limits in favor of overall ex-enditure limitations.

Three years ago when the Senate con-idered the question of lowering the cost f broadcast advertising, there was little xpectation that we would later consider uch comprehensive public financing of oth Presidential and congressional ampaigns. In fact, we probably would ot have considered such an unprece-nted approach to campaign financing ad it not been for the events of the past years. Nevertheless, as we debate this easure, it is important to remember the umstances surrounding the enact-nt of the lowest unit cost requirement years ago.

At that time, we were trying to grap-le with the problem of limiting expendi-ures on broadcast advertising while aking the cost for that advertising easonable from the vantage of the least nown challenger. However, we were not onsidering that question in the context f providing Government subsidies for p to 80 percent of the candidate's total ampaign expenses. Thus, it would now eem reasonable to reconsider the ques-ion of whether the lowest unit cost pro-isions of the Communications Act are ecessary. I firmly believe they are not.

Under the pending legislation, there no limit on the amount of money that an be spent on broadcast advertising. here is, of course, the overall expendi-ure limitation, but there is no specific mit within that ceiling which affects at aspect of a particular campaign. t is consistent with the committee's ctive of allowing the candidate the ximum degree of flexibility with re-ard to how his or her campaign funds re spent. At the same time, however, e are encouraging the excessive use of roadcast advertising by not only sub-dizing a substantial portion of the can-idate's campaign, but also by requiring at radio and TV time be offered at as uch as 50 percent below the prevailing dvertising rates. Moreover, we are per-etuating what I consider to be an es-ntially unfair practice as it relates to oth the individual broadcaster and the ommercial advertiser.

That practice consists of affording po-tical candidates a commercial discount hich it takes other advertisers 13 weeks o earn. Obviously, candidates for public ffice are different from other advertisers n a number of ways, including their pur-ose for advertising and their ability to ay. However, substantial public financ-ng of campaigns would clearly diminish the latter consideration and make quali-fied candidates more than able to afford the required amount of radio and TV advertising time. Thus, why require the stations to offer the time at a substan-tially reduced rate?

We do not require it of newspapers, so why should we continue to require it of broadcasters? Studies of 1972 campaigns for Federal office indicate that many radio and TV stations chose to refuse to sell political advertising time to any can-didate rather than be forced to sell time to all candidates at the lowest unit cost. They did so because they still had the right to refuse a particular type of ad-vertising as long as they refused it across the board. That does not necessarily mean that they neglected their responsi-bility to cover campaigns for public of-fice, but rather that they would rather not accept any payment for political advertisements than to have to accept the lowest unit cost and the concomitant dislocation among their regular adver-tisers.

Granted there is ample precedent for the Federal Government regulating radio and TV broadcasters, but we do not im-pose similar limitations on the printed media for very good reasons; and I sub-mit that there is no longer any reason to impose the lowest unit cost require-ment on the broadcast media.

Title 47, section 312, subsection (a) (7) states that the Federal Communications Commission may revoke any station license or construction permit—

. . . for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on be-half of his candidacy.

What that means is that every station has a statutory obligation to give reason-able coverage, either through advertising, or by other means to each legally quali-fied candidate for Federal office. How-ever, if we continue to require stations to charge the lowest unit cost, an in-creasing number will decide against per-mitting political advertising in favor of providing a reasonable amount of an-other form of coverage, thereby reducing the flexibility of the candidate to choose how to run his own campaign.

This is not the intent of S. 3044, as I understand it, and I would urge that as long as candidates are financially able to afford broadcast advertising at the prevailing rates, that we no longer dis-criminate against stations by requiring them to charge the lowest unit cost.

Now, Mr. President, the distinguished Senator from Oregon (Mr. PACKWOOD) has a statement he wishes to make at this time, and I now yield to him such time as he may require.

Mr. PACKWOOD. Mr. President, in 1971 when this body considered the low-est unit rate provision of the Federal Election Campaign Act of 1971, I was highly skeptical that enactment of this provision would indeed end in an equit-able situation for all parties concerned—the candidate, the broadcaster, and the voter. If anything, inequities have been underscored in the intervening period. A bad situation has developed which under-cuts more than one-half of our candi-dates for Federal elective office, it has created a serious financial dilemma for broadcasters, and the resultant confusion has ill-served the voters of our Nation.

I supported in 1971 an amendment which would have struck the lowest unit rate provision from the measure we were debating. The amendment failed, and today, 3 years later, my past skepti-cism has been more than substantiated. I am cosponsoring the senior Senator from Tennessee's (Mr. BAKER) amend-ment which would repeal this unfair provision.

Three years ago, arguments heard in this Chamber professed that everyone would benefit from enactment of the low-est unit rate billing. More time, because advertising would be at its cheapest, would be available to the candidates. More candidate time on radio and tele-vision could only bode well for an in-formed vote in the primary or general election. And the broadcasters, well, their revenues would increase because of the new surge in political advertising during the designated period.

However well-intentioned this amend-ment might have been, it has not created a fair and equal access to the public for all candidates. Some broadcasters have taken the option of refusing broadcast time to political candidates altogether.

I do not blame them, Mr. President, when they, in order to respect business contracts of many years, refuse political advertising. But the consequences or our inane rule are regrettable and I do place blame on our decision of 3 years ago that forced some broadcasters into this posi-tion. The serious ramification we must face is that we, as incumbents, along with our public recognition, place nonin-cumbents at a terrific disadvantage with-out the availability of radio and television time to publicize their positions and be-liefs. Time and time again, it has been proven the nonincumbent's greatest weapon is an effective media campaign. Thus, and perhaps we do not recognize it, selfishly we are the winners of the continuance of the lowest unit rate. But we are a small minority, for the chal-lenger loses however right or wrong, the broadcaster loses, and in the end the public loses.

I believe we can do better. I believe the lowest unit rate should be repealed. Al-though it may increase advertising costs per unit, it will open up access to the public by all the candidates on an even basis. If one purpose of this bill, S. 3044, is to prevent campaign abuse, then sure-ly we have a great opportunity, now, to eliminate an unfair advantage of incum-bency by insuring access to all broadcast media.

I urge my colleagues' support for this amendment, and ask unanimous consent that a letter I received from Mr. Alan H. Davidson, sales manager for KNND Radio in Cottage Grove, Oreg., illustrat-ing many of these very concerns, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KNND RADIO,
Cottage Grove, Oreg., April 5, 1974.
Senator BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: Today we received your press release concerning your call for repeal of the lowest unit rate requirements for political advertising on broadcast media. We as KNND wholeheartedly support this effort, not only from the monetary viewpoint, but generally for the reasons you listed.

As you are obviously aware, each election year radio and television stations are deluged with candidates who are interested in buying broadcast time. Selling this time at our lowest published rate imposes an undue burden upon the station since we are regulated by the Federal Government as to how much time we are allowed to sell.

We believe that a broadcast station should not be required to sell out its time at less than its worth. When this happens it also poses a hardship on the local advertiser who may want to advertise and pay the earned rate, but can not because of the lack of availabilities.

This is the reason of course that many stations are now limiting political availabilities or refusing political advertising, which in turn denies the candidate an opportunity to reach the people.

I sincerely hope that all of the broadcasters in the state of Oregon will support your efforts in this direction.

Respectfully,

ALAN H. DAVIDSON,
Sales Manager, KNND Radio.

Mr. PACKWOOD. Mr. President, let me explain what our experience has been in Oregon. It has not been a problem to me personally, but it has been to a number of other candidates seeking nomination for Federal office. Two Congressmen—one of them a Congresswoman, retired this year, and there are numerous candidates in each district seeking the Republican nomination and the Democratic nomination. There are also numerous candidates seeking the Democratic nomination for the Senate.

The problem they find is that they are having a very difficult time buying any time on television or radio. It is almost impossible to buy any prime time at all. It is perfectly understandable why they are not. We are asking radio and television stations to bear the burdensome cost of the campaign by selling time at the lowest unit rate, instead of selling it at the highest unit rate. This means the rate they charge their most frequent advertisers, those who advertise 25 or 100 times a month, Bear in mind that if they sell to one candidate, they have to offer to every other candidate in that race at the same time spot that they are selling to all. That is fine for the incumbents. Nothing could be better for us than if neither we nor the challenger, who might be unknown, could buy any television or radio time on prime time.

It is very unfair.

I believe that we made a mistake when we passed this lowest unit rate bill 3 years ago. I voted against it at the time. It has worked out as I feared that it would. It is not giving the candidates more access to the public but is denying the candidates any access to the public.

Therefore, I believe that we would be wise to repeal the amendment so that all candidates will have equal access to the public through the broadcast media.

Mr. CLARK. Mr. President, will the Senator from Oregon yield, on my time?

Mr. PACKWOOD. I yield.

Mr. CLARK. I should like to ask the Senator a question about his amendment. Is there anything to prevent TV and radio stations from charging the highest unit rate? It seems to me, in the past, that was the practice. At least it was in the campaign in which I was involved. I did not pay the average rate but the very, very high rate. Is there anything to prevent that from happening in the Senator's amendment?

Mr. PACKWOOD. There is nothing to prevent that from happening in the amendment. It would simply repeal the lowest unit rate.

Mr. CLARK. In view of the fact that in existing law there is a limitation as to how much a candidate must spend in the electronic media, would this amendment, if passed, have any real effect in lowering that limitation? In other words, if the costs go up, the Senator is not providing in his amendment for an additional limitation, as I read the amendment?

Mr. PACKWOOD. If you cannot purchase advertising at the lowest unit rate, or limit it to $50,000 in advertising, you cannot buy as much, so, you have to pay more. To that extent, it would lower it.

Mr. CLARK. I thank the Senator very much.

Mr. PASTORE. Mr. President, if the Senator will yield, on my time, in opposition——

Mr. BAKER. Mr. President, I asked that the Senator from Rhode Island be notified that this amendment was pending. The manager of the bill, the Senator from Nevada (Mr. CANNON), is not now in the Chamber. I wonder whether it might not be in order to give the Senator from Rhode Island the manager's time?

Mr. COOK. I have 5 minutes, and I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, at the proper time, when the time has expired, I will move to table the amendment. I think the amendment comes up at a very unfortunate time.

This matter was discussed thoroughly before the Communications Committee, and we took a position that is absolutely contrary to the spirit and letter of this amendment.

Why do we give this rate to candidates? No. 1, a license is granted to perform a public service. All of us know that in this day and age, the most expensive item a candidate has to meet is the charges for radio and television, so much so that these charges have skyrocketed to the point where you have to go out and hold hundred-dollar dinners just to get radio time, especially if you run in a statewide election.

Mr. President, all we are trying to do is to say to the licensee, "If you have given a preferential rate to anybody—to anybody—at any time, you cannot charge during a campaign period, whether it be for President, whether it be for Senator, whether it be for Representative, whether it be for dogcatcher, one penny more than you charged the lowest rate." What is wrong about that? This is limited to a specific period of time.

The argument is made that the reason why these preferential rates are given is that some advertising concern has a regular program every week or every month. A candidate cannot have a program every week or every month. If you run for the Senate, you run every 6 years. If you run for the House, you run every 2 years. If you run for the Presidency you run every 4 years. So how could you ever come under the terms and the standards of this preferential rate? That is precisely what the story is.

A suggestion was made not too long ago by Adlai Stevenson, Sr., and I think it has tremendous merit today, that within a certain period of time before the election; namely, about 8 weeks before the election—the national networks give free time to the prominent candidates running for the Presidency; and that is about the best public service they could afford to the people of this country. Unfortunately, the networks came in and opposed it. They said, "Don't make it mandatory. Just relieve us from section 315 and we'll give the proper time to candidates."

I took their word for that, and they lived up to it. I submitted a resolution and as a result, in 1960, we had the Kennedy-Nixon debates. That is how that all came about.

What this is intended to do is to take away from the candidates the same privilege of the lowest rate—instituted by whom? By the licensee, himself. He does not have to give anybody a preferential rate; but once he does, he cannot take it away from the candidate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PASTORE. Can I take time out of my own time?

The PRESIDING OFFICER. The Senator can do so by unanimous consent.

Mr. PASTORE. I ask unanimous consent.

Mr. COOK. Mr. President, I ask unanimous consent that the Senator have as much time as he may need out of his hour.

Mr. PASTORE. Out of my hour, because I am hitting high gear. [Laughter.]

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. STEVENS. I worked with the Senator from Rhode Island on this matter, he will recall.

It is the lowest unit charge for the same class and for the amount of time for the same period. With those protections, the same class and the amount of time for the same period, we are not getting any benefit from any other rate.

My little station survived under one of the heaviest onslaughts they ever had from candidates, in the last election.

This is a fair provision as it stands and if we took it off, the rates for television and radio time would go sky high

I am grateful to the Senator from Rhode Island for having accepted the limitation, but I cannot understand the comments of the Senator from Oregon in view of the limitations of section 315 (b) with regard to the same class of time, the same time frame—that is, whether or not it is prime time—and for the same period of time, which is for the 45 days preceding the election.

Mr. BAKER. Mr. President, I reserve the right to object. There has not yet been a ruling on the unanimous-consent request of the Senator from Rhode Island.

If we are going to extend the time for debate into the Senator's hour under rule XXII, it seems only fair that in the same unanimous request we extend the time on the other side.

I now ask unanimous consent that I be given the same time out of my hour that he has out of his hour.

Mr. PASTORE. That is all right. I will take only 2 minutes.

Mr. BAKER. So long as we have equal time.

Mr. PASTORE. I make this point very strongly——

The PRESIDING OFFICER. The Chair has ruled that the unanimous-consent request of the Senator from Tennessee and the Senator from Rhode Island is granted. It is granted for 2 minutes.

The Senator from Rhode Island.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Do I correctly understand that I have similar treatment on this side?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

Mr. PASTORE. The point I am making, and I hope I can make it as emphatically as possible, is that this is not the time, this is not the place, this is not the bill in which to repeal something that has been thoroughly investigated, thoroughly studied, and passed almost unanimously by committee of Congress. I hope that at this junctive we will not disturb something that is as fundamental as the principle that is involved in the discussion we are having today.

When the time has expired, I am going to move to table the amendment.

Mr. BAKER. Mr. President, I have the distinction of serving as the senior Republican on the Subcommittee on Communications, on which the distinguished Senator from Rhode Island is the chairman. He and I jost a good bit and this and a few other issues from time to time. We are familiar with each other's arguments. There is no point in my trying to belabor those issues with him, because he has heard them before. He heard my opposition to this provision when it was considered by the subcommittee, when it was considered by the full committee, and when it was considered by the Senate, and he has heard my opposition to this provision at every opportunity I have had to express it for the last 3 years.

I was opposed to it at the time we first took it up, I am still opposed to it, and I am trying to repeal it. I think it is wrong, because by this section, we politicians have legislated to ourselves a subsidy out of the hides of everybody else who advertises on radio and television. We say that, because Procter & Gamble or General Motors, or whoever it is, earns a unit rate that is lower than a one-time or a five-time rate, we have to get the same unit rate. We do not do that to newspapers. We do not do it to magazines. We do it, because we have the authority to regulate radio and television stations and we have the right to lift their licenses. We pass a law that says, "Give us the lowest cost you give to everybody else at the same time on the networks, with the same quality of service, because we regulate you and we have the life-and-death power to give you a license or take it away." That is not fair play, in my book.

If we are going to do it for radio and television stations, we ought to do it for newspapers, magazines, billboards, the people who manufacture bumper stickers and fingernail files with campaign slogans on them, and for whatever other paraphernalia we use. We say, "Give us the low rate you charge your regular customers despite the fact that we order one-hundredth the amount of time that they order."

It seems to me that we single out the industry that we regulate and make them give us a rate we have not earned, when they would normally charge according to the quality and frequency of service acquired.

I reserve the remainder of my time.

Mr. PACKWOOD. Mr. President, let me elaborate further on the situation.

Take the city of Portland, Oreg., with a number of television stations. Six Democratic candidates, as I recall, vied for the nomination for Congress. Each of them is entitled, if they can get the time, to buy time on television at the lowest rate, at the same price paid by the Chevrolet dealer who advertises night after night. There are many other advertisements during prime time that are not at the lowest unit rate.

If a broadcaster sells an ad to one candidate at 6:30, he must make time available during prime time for every other candidate at the lowest unit rate.

We are asking them to bump off other ads from which they can collect more money in order to put us on. The upshot, at least in Oregon, is that many of them are saying, "To heck with it; we are not going to take any political ads; nobody is going to get on television."

That is fine for incumbents, but incumbents start out with a name advantage and a news advantage.

Now, they are justifiably going to say, "We are not going to bump off any of our advertisers who pay a higher rate in order to put on candidates for Federal office." That has been the effect of the amendment. If that is what the Senator from Rhode Island wants to protect incumbents, that is what he is getting.

The PRESIDING OFFICER (Mr. BROCK). All time of the proponents has expired. The opponents have 2 minutes remaining.

Mr. COOK. Mr. President, I yield 1 minute to my colleague from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. Mr. President, I have a brief comment from the perspective of one who has operated under this law as a broadcaster and one who has operated under this law as a candidate. The bill as written is essential and we can talk about the problems it presents for broadcasters and certainly they would like the full rate. We can mention all of the other media that are not covered, but they do not utilize a public facility and they do not operate in the public interest as broadcasting stations.

This is little enough to require of an industry that gets to enjoy free the airways of this country. One big danger we have when we talk about election reform and the limitation on candidates and the money they spend and who can support them is that we deny the citizens of this country the opportunity to hear the candidates and to know their views. This is one way we can help facilitate that opportunity so that candidates can get on the air and let citizens know what they stand for.

Mr. COOK. Mr. President, I take the last minute to congratulate my colleague from Kentucky and to say if, in effect, stations are saying, "We are not going to take any of them, because we cannot get the higher rate in that time frame," if they want to help incumbents and as a matter of fact they are saying they want to help incumbents and are bumping everyone off of television, we better take a close look at it in committee, because the fact is that the law now provides that we pay them for the time we are using at the lowest cost at that time and not on the overall lowest cost of the station.

As bad as political speeches may be some nights, they cannot be any worse than some of the things we have to watch on television during the course of the week in prime time.

Mr. President, I shall support the Senator from Rhode Island in his motion to table the amendment.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. PASTORE. Mr. President, I move to lay on the table the amendment of the Senator from Tennessee.

Mr. BAKER. Mr. President, I ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. CANNON. I yield.

ADJOURNMENT OF THE TWO HOUSES OF CONGRESS FOR THE EASTER HOLIDAY

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representa-

tives on House Concurrent Resolution 475.

The PRESIDING OFFICER (Mr. BROCK). The Chair lays before the Senate House Concurrent Resolution 475, which will be stated.

The assistant legislative clerk read as follows:

H. CON. RES. 475

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, April 11, 1974, it stand adjourned until 12 o'clock noon on Monday, April 22, 1974, or until 12 o'clock noon on the second day after its Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives shall notify the Members of the House to reasemble whenever in his opinion the public interst shall warrant it or whenever the majority leader of the House and the minority leader of the House, acting jointly, file a written request with the Clerk of the House that the House reassemble for the consideration of legislation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Strike out line 2 and insert in lieu thereof the following: "when the two Houses adjourn on Thursday, April 11, 1974, they stand"

On line 4, strike out "its Members" and insert in lieu thereof the following: "their respective Members".

Strike out section 2 and insert in lieu thereof the following:

"SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation."

Amend title by adding after the word "House," "and Senate."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 475), as amended, was agreed to, as follows:

H. CON. RES. 475

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, April 11, 1974, they stand adjourned until 12 o'clock noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinions, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Amend the title so as to read "Concurrent resolution providing for a conditional adjournment of the House and Senate from April 11 until April 22, 1974."

Mr. MANSFIELD. Mr. President, the resolution will stay at the desk until it is certain we will finish this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Tennessee.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TAFT. Mr. President, on this vote I vote "present."

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Ohio (Mr. METZENBAUM), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Montana (Mr. METCALF), and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. FONG), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

The Senator from Ohio (Mr. TAFT) voted "present."

The result was announced—yeas 67, nays 19, as follows:

[No. 144 Leg.]

YEAS—67

Abourezk	Byrd,	Eastland
Aiken	Harry F., Jr.	Ervin
Bartlett	Byrd, Robert C.	Gravel
Bayh	Cannon	Hart
Beall	Case	Hartke
Bellmon	Chiles	Haskell
Bentsen	Clark	Hatfield
Bible	Cook	Hathaway
Biden	Cotton	Huddleston
Brooke	Cranston	Hughes
Burdick	Domenici	Humphrey
Jackson	Moss	Sparkman
Javits	Muskie	Stafford
Johnston	Nelson	Stennis
Kennedy	Nunn	Stevens
Magnuson	Pastore	Stevenson
Mansfield	Pearson	Symington
Mathias	Pell	Talmadge
McClellan	Percy	Thurmond
McGovern	Proxmire	Tunney
McIntyre	Ribicoff	Weicker
Mondale	Schweiker	Williams
Montoya	Scott, Hugh	

NAYS—19

Allen	Eagleton	McClure
Baker	Fannin	Packwood
Brock	Griffin	Roth
Buckley	Gurney	Tower
Curtis	Hansen	Young
Dole	Helms	
Dominick	Hruska	

ANSWERED "PRESENT"—1

Taft

NOT VOTING—13

Bennett	Hollings	Metzenbaum
Church	Inouye	Randolph
Fong	Long	Scott,
Fulbright	McGee	William L.
Goldwater	Metcalf	

So the motion to lay on the table Mr. BAKER's amendment (No. 1078) was agreed to.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 12109) to amend the District of Columbia Self-Government and Governmental Reorganization Act to clarify the provision relating to the referendum on the issue of the advisory neighborhood councils.

The enrolled bill was subsequently signed by the President pro tempore.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (S. 3044) to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

AMENDMENT NO. 1186

Mr. JAVITS. Mr. President, I call up my amendment No. 1186 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 35, line 15, after the word "election" insert the following: "on the tenth day of December in the year of an election,".

Mr. JAVITS. Mr. President, the only purpose of the amendment is to provide that in any election, instead of filing the final contributions to a campaign which come in after the 28th of the following January, or have been paid in the following January, that the filing be on the 10th of December immediately following the election.

The reason is that any disciplinary action to be taken by anybody with respect to contributions ought to be taken seasonably before the Representative or

Senator is sworn in. Thereafter, it is a very hard row to hoe. That is the reason for the amendment.

I understand that the manager of the bill may be interested in accepting it.

Mr. CANNON. Mr. President, I yield myself 30 seconds.

The Senator from New York has correctly described the amendment. It does create some added burdens, but it does, I think, provide a better, more timely disclosure date after a general election, when it is too late to do anything about the election. The amendment provides a more timely reporting provision than we have in the bill. I am willing to accept the amendment.

Mr. JAVITS. I thank the Senator from Nevada.

Mr. BAKER. Mr. President, I commend the Senator from New York. I think he has submitted a worthwhile, important amendment. I am delighted that the manager of the bill has accepted it.

Senators may remember that I offered an amendment which required reporting before an election, but that amendment was defeated. I think this is a material improvement over the provision that requires reporting in January. I wish to congratulate the Senator from New York.

Mr. JAVITS. Mr. President, may the record show that the idea of the amendment is that of Charles Warren, my legislative aide. He is typical of the brilliant young men who work in all our offices. I am delighted to make this statement.

Mr. BAKER. Mr. President, for the record, my amendment met with the very violent objection of my staff.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I yield myself 2 minutes on the bill. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1113

Mr. BAYH. Mr. President, I send to the desk a printed amendment, No. 1113. It has been slightly modified.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears none, and the amendment is so modified. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I yield myself 3 minutes.

This is an amendment that I have discussed with the distinguished floor manager of the bill. I understand that he agrees that the amendment is acceptable.

On reflection, after having stopped the clerk from a further reading of it, I think, with advance warning to the Senate, that if I read it and then sit down, there would be adequate explanation. So I shall read it.

At the appropriate place insert the following new section:

SEC. . Whoever, being a candidate for Federal office, as defined herein, or an employee or agent of such a candidate—

(a) fraudulently misrepresents himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(b) willfully and knowingly participates in or conspires to participate in any plan, scheme, or design to violate paragraph (a) hereof, shall, for each such offense, be fined not more than $50,000 or imprisoned not more than five years or both.

Mr. BAYH. The purpose of the amendment, Mr. President, is to direct the Senate's attention in the context of the pending bill, which is to be our principal legislative response to the past 18 months of Watergate revelations, to a particular and specific problem which would appear to require a statutory remedy. This is the problem of "dirty tricks." My amendment is intended to make the existing law somewhat more precise in this area and to increase the penalties for its violation.

It has come to the Senate's attention through the hearings conducted by the distinguished Senator from North Carolina (Mr. ERVIN) and his select committee that during the 1972 campaign there occurred at least two incidents in which an employee or agent of the Committee To Re-Elect the President distributed documents bearing the letterhead of Senator MUSKIE's campaign which falsely accused Senators HUMPHREY and JACKSON of the most bizarre type of personal conduct. It is this type of activity with which my amendment is designed to deal.

Under current law, as found in section 612 of title 18, United States Code, is a misdemeanor offense for anyone who is a candidate or agent thereof to distribute, through the mails or in interstate commerce, materials which fail to identify the candidate involved or a committee acting on his behalf. This is the statute to which Donald Segretti pleaded guilty for his activities in the Florida primary to which I have referred.

My amendment would modify section 612 in two respects. First, it would remove the jurisdictional restrictions of the old statute which limited its application to use of the U.S. mails or transportation in interstate commerce. Many of our older statutes have such limitations which were thought at the time to be constitutionally required, but which are clearly not necessary today as applied to candidates for office on the Federal level.

Second, my amendment would make such campaign offenses felonies rather than misdemeanors in those few cases where not only does the candidate or his agent know that statements about another candidate are false but that they are, in fact, damaging to him.

In short, Mr. President, I believe that the amendment will effectively deal with the specific campaign abuses which have been brought to our attention because of the 1972 campaign, without posing the difficult problems that a broader criminal libel statute presents in terms of first amendment guarantees.

Mr. CANNON. Mr. President, I have discussed the amendment with the distinguished Senator from Indiana, the sponsor, and also with the minority representative. We are willing to accept the amendment.

I yield back the remainder of my time.

Mr. BAYH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. CANNON. Mr. President, I send to the desk an amendment and ask for its immediate consideration. I ask unanimous consent to dispense with the reading of the amendment. It is the usual technical, perfecting amendment to correct minor defects in various provisions, in conformity with the usual practice. I ask for the approval of the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, beginning with "TABLE OF CONTENTS", strike out through the item relating to section 502 on page 3.

On page 3, line 11, immediately before "'political committee'", insert the following: "'national committee',".

On page 6, line 16, strike out "campaign."

On page 6, line 17, strike out "campaign expenses" and insert in lieu thereof "expenditures".

On page 7, between lines 17 and 18, insert the following:

"(C) he is seeking nomination by a political party for election to the office of President and he and his authorized committees have received contributions for his campaign throughout the United States in a total of more than $250,000.

On page 8, beginning with line 3, strike out through line 7.

On page 8, line 21, strike out "to".

On page 10, line 2, strike out "accepts" and insert in lieu thereof "and his authorized committees receive".

On page 16, line 1, immediately after "State", insert "under subsection (a)(2)(A) of this section".

On page 16, line 17, strike out the comma and "or" and insert in lieu thereof a semicolon.

On page 16, line 20, strike out the period and insert in lieu thereof a semicolon and "or".

On page 16, between lines 20 and 21, insert the following:

"(C) a national or State committee of a political party in connection with a primary or general election campaign of that candidate, if such expenditure is in excess of the limitations of section 614(b) of title 18, United States Code.

On page 18, line 10, strike out "(h)" and insert in lieu thereof "(i)".

On page 29, line 13, strike out "(3)" and insert in lieu thereof "(2)".

On page 31, line 3, strike out "(7)" and insert in lieu thereof "(8)".

On page 31, line 4, strike out "(8)" and insert in lieu thereof "(9)".

On page 36, line 12, strike out "Presidential" and insert in lieu thereof "presidential".

On page 37, line 5, immediately after "inserting", insert "immediately".

On page 37, line 5, immediately after "semicolon", insert "a comma and".

On page 37, line 5, strike out the comma.

On page 39, line 17, strike out "Any" and insert in lieu thereof "Each".

On page 39, line 21, strike out "Any" and insert in lieu thereof "A".

On page 40, strike out beginning with line 3 through line 10 and insert in lieu thereof the following:

"(d) No person who sells space in a newspaper or magazine to a candidate, or to the agent of a candidate, for use in connection with that candidate's campaign, may change any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

On page 41, line 11, strike out "published regulation" and insert in lieu thereof "a rule".

On page 41, line 12, immediately before the comma,, insert "which is published in the Federal Register not less than 30 days before its effective date".

On page 41, line 16, strike out "will not have any adverse affect on" and insert in lieu thereof "is inconsistent with".

On page 41, line 17, strike out "title" and insert in lieu thereof "Act".

On page 45, line 25, strike out "regulations" and insert in lieu thereof "rules".

On page 46, line 2, strike out "regulations" and insert in lieu thereof "rules".

On page 47, line 9, immediately before "testimony", strike out "or".

On page 47, line 19, immediately before "reasonable", insert "a" and, immediately after "period", insert "of time".

On page 53, line 1, strike out "held and".

On page 53, line 4, strike out "regulation" and insert in lieu thereof "rule".

On page 53, line 15, immediately before "all", insert a comma and "consolidate, and furnish".

On page 53, line 16, strike out the comma "and consolidate and furnish the reports".

On page 54, line 1, strike out "so".

On page 55, line 4, strike out "such".

On page 55, line 9, strike out "single".

On page 56, line 25, immediately after "inserting", insert "in lieu thereof".

On page 57, line 6, immediately after "inserting", insert "in lieu thereof".

On page 57, line 10, immediately after "inserting", insert "in lieu thereof".

On page 57, line 16, immediately after "inserting", insert "in lieu thereof".

On page 57, line 24, immediately after "inserting", insert "in lieu thereof".

On page 58, line 3, immediately after "inserting", insert "in lieu thereof".

On page 58, line 8, immediately after "inserting", insert "in lieu thereof".

On page 58, line 11, immediately after "inserting", insert "in lieu thereof".

On page 58, line 16, immediately after "inserting", insert "in lieu thereof".

On page 58, line 18, immediately after "inserting", insert "in lieu thereof".

On page 58, line 20, immediately after "inserting", insert "in lieu thereof".

On page 58, line 23, immediately after "inserting", insert "in lieu thereof".

On page 59, line 2, immediately after "inserting", insert "in lieu thereof".

On page 59, line 3, strike out the comma.

On page 59, line 4, immediately after "inserting", insert "in lieu thereof".

On page 59, line 9, immediately after "inserting" insert "in lieu thereof".

On page 59, line 25, strike out the comma.

On page 60, line 18, strike out "Any" and insert in lieu thereof "An".

On page 60, line 22, strike out "any" and insert "an".

On page 60, line 22, strike out "Any" and insert "A".

On page 62, line 21, strike out "any" and insert "a".

On page 63, line 14, strike out "campaign expenses" and insert in lieu thereof "expenditures".

On page 64, line 2, strike out "regulations" and insert in lieu thereof "rules".

On page 64, line 3, strike out "regulations" and insert in lieu thereof "rules".

On page 64, line 8, strike out the comma.

On page 64, line 20, strike out "$10,000," and insert in lieu thereof "$100,000,".

On page 65, line 2, strike out "regulations" and insert in lieu thereof "rules".

On page 65, line 13, strike out "out 'and" and insert in lieu thereof "out ', and".

On page 66, lines 1 and 2, strike out "central".

On page 66, line 19, strike out "and".

On page 66, line 25, after the second semicolon, insert "and".

On page 67, line 3, strike out the semicolon and insert in lieu thereof a period.

On page 68, line 9, immediately after "out", strike out "the".

On page 71, line 6, strike out "shall not constitute" and insert in lieu thereof "is not".

On page 71, line 12, strike out "shall not constitute" and insert in lieu thereof "are not".

On page 74, line 5, strike out "Presidential" and insert in lieu thereof "presidential".

On page 74, line 22, strike out "National" and insert in lieu thereof "national".

On page 75, line 2, strike out "of title 18, United States Code,".

On page 76, line 17, strike out "a" and insert in lieu thereof "the".

On page 77, lines 3 and 4, strike out "this section" and insert in lieu thereof "paragraph (1)".

On page 79, line 6, strike out "of a political party".

On page 81, line 10, strike out "In the case of any" and insert in lieu thereof "A".

On page 82, line 3, immediately after "fined" insert "not more than".

On page 82, line 7, strike out "regulations" and insert in lieu thereof "rules".

On page 82, line 10, strike out "shall be considered to have been" and insert in lieu thereof "is considered to be".

On page 82, line 13, strike out "served" and insert in lieu thereof "serves".

On page 82, line 19, strike out the comma and "as amended".

On page 82, lines 22 and 23, strike out the comma and "as amended".

On page 83, line 21, strike out "case" and insert in lieu thereof "adjudication".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

AMENDMENT NO. 1180

Mr. ALLEN. Mr. President, I call up my amendment No. 1180 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

On page 75, line 23, strike out "exceeds $3,000." and insert in lieu thereof "exceeds—".

On page 75, between lines 23 and 24, insert the following:

"(1) in the case of a candidate for the office of President or Vice President, $2,000; and

"(2) in the case of any other candidate, $1,500.".

On page 76, line 2, strike out "exceeds $3,000." and insert in lieu thereof "exceeds—".

On page 76 between lines 2 and 3, insert the following:

"(A) in the case of a candidate for the office of President or Vice President, $2,000; and

"(B) in the case of any other candidate, $1,500.".

Mr. ALLEN. Mr. President, I yield myself 3 minutes.

Throughout the debate on the bill, it has been the effort of the Senator from Alabama not only to kill all portions of the bill having to do with the public subsidy of candidates for Federal election, but also to reduce the overall amount that candidates for Federal offices may spend in elections—that is, candidates for the House and for the Senate in primaries and in general elections, and candidates for the Presidency in primaries before the conventions and in the general election.

Already there have been turned back by the Senate amendments that would cut the amounts individual contributions to $250 in Presidential races and $100 in House and Senate races; and another amendment that would have limited contributions to $2,000 in Presidential races and to $1,000 in House and Senate races. Those amendments have been turned back. That has caused the Senator from Alabama to feel that many of those who advocate Federal subsidies in elections want the best of two words. They want, in the primary elections everything that they can get from providing contributions at the $3,000 level, which is a very high level in the view of the Senator from Alabama, and at the same time having Federal matching.

So I would hope that the Senate would go along with a reduction in the amount of the overall contributions in Presidential races to $2,000 and for the House and Senate to $1,500. I call attention to the fact that the Senate has voted—voted twice, as a matter of fact—to cut the amount of overall expenses of candidates by 20 percent, by cutting the amount that could be spent in general elections from 15 cents to 12 cents, and from 10 cents to 8 cents in primary elections. There should be no reason why we could not reduce the amount of individual contributions.

So I am hopeful that the Senate in its desire to have campaign reform, and not simply use campaign reform as a shibboleth to cover raiding the Federal Treasury and turn the bill over to the taxpayers, will be in favor of cutting the amount of individual contributions as suggested in the amendment to $2,000 in Presidential races in primary and general elections, and to $1,500 for House and Senate races in primary and general elections.

Mr. President, I reserve the remainder of my time.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

I wish only to say that the distinguished Senator from Alabama really would like to have it both ways. He opposes the provision on public financing because he does not want to see public financing. On the other hand, he wants to cut private financing down to the

point where it would drive the individual to public financing.

I suggest, Mr. President, that we have been up the hill and down the hill on this. We have considered limitations in almost every conceivable amount except this particular one, and I would hope that the Senator would be willing to abide by the votes we have already had on this matter, and let us dispose of the amendment by voice vote.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BROCK). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Alabama (Mr. ALLEN).

In the opinion of the Chair, the nays have it. The amendment is rejected.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I believe the senior Senator from Massachusetts (Mr. KENNEDY) has one or maybe two amendments. As far as I know, those will be the final amendments. So I ask at this time if the distinguished Senator would consider a reduction of the half-hour limitation.

Mr. KENNEDY. Five minutes will be sufficient.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on each of the two amendments, the time to be equally divided between the Senator from Massachusetts (Mr. KENNEDY) and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the distinguished Senator from Massachusetts indicate whether he plans to have rollcall votes?

Mr. KENNEDY. I do not.

Mr. BAKER. Good.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

AMENDMENT NO. 1092

Mr. KENNEDY. Mr. President, I call up my amendment No. 1092, in behalf of myself and the Senator from Pennsylvania (Mr. HUGH SCOTT), and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY'S amendment (No. 1092) is as follows:

On page 58, line 16, strike out "and".

On page 68, between lines 16 and 17, insert the following:

"(j) 'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of that political party at the State level, as determined by the Federal Election Commission; and".

On page 68, line 17, strike out "(j)" and insert in lieu thereof "(k)".

Mr. KENNEDY. Mr. President, I have had an opportunity to talk with the floor manager of the bill, and also the minority manager of the bill, and I believe that the amendment may be acceptable to them.

The purpose of the amendment is to add a definition of "State committee" parallel to the definition of "national committee" already contained in the bill.

The amendment is useful because it identifies the State committees that will be entitled to take advantage of the special "2 cents a voter" spending authority in the bill. Under this authority, a State committee of a political party is entitled to receive private contributions and make expenditures in a general election, above and beyond the expenditure ceiling of the party's candidate himself. In this way, S. 3044 provides a substantial additional role for the political parties at both the State and National level.

Mr. President, the amendment is a minor addition to the bill, and I hope that it may be accepted.

Mr. CANNON. Mr. President, I yield myself 30 seconds.

I have discussed this proposal with the Senator and with the ranking minority Member. The definition is acceptable. It parallels the definition of a State committee with that of the national committee.

I am prepared to yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BROCK). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 1092) of the Senator from Massachusetts (Mr. KENNEDY).

The amendment was agreed to.

AMENDMENT NO. 1093

Mr. KENNEDY. Mr. President, I call up my amendment No. 1093 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY'S amendment (No. 1093) is as follows:

On page 10, strike out line 24 and insert in lieu thereof the following: "election campaign in an amount equal to the greater of—

"(A) an amount which bears the same ratio".

On page 11, line 6, strike out "election." and insert in lieu thereof "election; or".

On page 11, between lines 6 and 7, insert the following:

"(B) an amount which bears the same ratio to the amount of payments to which a candidate of a major party for the same office is entitled under this subsection as the total number of popular votes received by that eligible candidate as a candidate for that office (other than votes he received as the candidate of a major party for that office) in the preceding general election bears to the average number of popular votes received by the candidates of major parties for that office in the preceding general election.".

Mr. KENNEDY. This amendment is introduced in behalf of myself and the Senator from Pennsylvania (Mr. HUGH SCOTT). I have had a chance, again, to discuss it with the floor manager of the bill and also the minority manager, and I understand that it is acceptable to them.

The purpose of the ammendment is to allow a minor party candidate to qualify for public funds on the basis of the total number of votes he received in the proceeding election, whether as the candidate of a single minor party or as the candidate of more than one minor party.

Under the present bill, a minor party candidate's proportion of public funds is based only on the showing in the preceding election of the minor party that nominated him. In certain cases, this provision might work unfairly to the disadvantage of a minor party candidate who was on the ballot in the previous election under more than one party label.

For example, in the 1968 Presidential election, George Wallace ran under nine separate minor party labels. Although he won a total of 13.5 percent of the votes cast in the election, the most he won under a single party label was 5.08 percent, as the candidate of the American Party.

Under the pending bill, if its provisions had been in effect for the 1972 election, Governor Wallace would have qualified for proportional public funds based on his 1968 track record as a minor party candidate based on his 5.08 percent showing as the candidate of the American party, rather than his 13.5 percent overall showing. Clearly, he should be entitled to use the higher figure, and the pending amendment would accomplish that goal.

Mr. President, I ask unanimous consent that two tables prepared by the Library of Congress, illustrating the votes received by Governor Wallace in 1968, may be printed in the RECORD.

Mr. President, I would note that the effect of the pending amendment is to restore the operation of the formula in the existing dollar checkoff law, enacted in 1971, which now allows minor party candidates to accumulate their votes in the preceding election. I believe that this is the intent of the formula in S. 3044, and I hope the Senate will accept the amendment Senator HUGH SCOTT and I are offering.

ANALYSIS OF VOTES CAST FOR GEORGE C. WALLACE IN THE PRESIDENTIAL ELECTION OF 1968 UNDER VARIOUS PARTY LABELS

Party	Number of States	Number of votes	Percent Wallace vote	Percent total vote
Democratic Party	1	691,425	6.97	0.94
Independent Party	9	1,320,872	13.33	1.80
American Independent Party	13	2,459,735	24.82	3.35
American Party	16	3,721,747	37.56	5.08
George Wallace Party	7	1,228,799	12.40	1.67
Conservative Party	1	88,921	.89	.12
Independent American Party	1	20,432	.20	.02
Courage Party	1	358,864	3.62	.49
George Wallace Independent Party	1	15,678	.15	.02
Total	[1] 50	9,906,473	100.00	13.49

[1] Wallace was not on the ballot in the District of Columbia.

Note: Items may not add to totals because of rounding.

NUMBER OF VOTES RECEIVED BY GEORGE C. WALLACE IN THE PRESIDENTIAL ELECTION OF 1968 UNDER VARIOUS PARTY LABELS, BY STATE

Democratic Party (one State)

Alabama	691,425

Independent Party (9 States)

Alaska	10,024
Illinois	390,958
Massachusetts	87,088
Mississippi	415,349
Oregon	49,683
South Carolina	215,430
South Dakota	13,400
Wisconsin	127,835
Wyoming	11,105
Total vote for Wallace under Independent Party label	1,320,872

American Independent Party (13 States)

Arizona	46,573
California	487,270
Colorado	60,813
Hawaii	3,469
Idaho	36,541
Iowa	66,422
Michigan	331,968
Missouri	206,126
New Mexico	25,737
Ohio	467,495
Pennsylvania	378,582
Utah	26,906
Virginia	321,833
Total vote for Wallace under American Independent Party label	2,459,735

American Party (16 States)

Arkansas	240,982
Delaware	28,459
Georgia	535,550
Kentucky	193,098
Louisiana	530,300
Maryland	178,734
Minnesota	68,931
Montana	20,015
Nebraska	44,904
North Carolina	496,188
North Dakota	14,244
Oklahoma	191,731
Tennessee	424,792
Texas	584,269
Washington	96,990
West Virginia	72,560
Total vote for Wallace under American Party label	3,721,747

George Wallace Party (7 States)

Connecticut	76,650
Florida	624,207
Indiana	243,108
Maine	6,370
New Hampshire	11,173
New Jersey	262,187
Vermont	5,104
Total vote for Wallace under George Wallace Party label	1,228,799

Conservative Party (1 State)

Kansas	88,921

Independent American Party (1 State)

Nevada	20,432

Courage Party (1 State)

New York	358,864

George Wallace Independent Party (1 State)

Rhode Island	15,678

Mr. CANNON. Mr. President, I yield myself 30 seconds.

I have discussed the amendment with the sponsor of the amendment and the ranking minority member of the committee, and we are prepared to accept the amendment.

I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BROCK.) All remaining time having been yielded back, the question is on agreeing to the amendment (No. 1093) of the Senator from Massachusetts (Mr. KENNEDY).

The amendment was agreed to.

Mr. DOMINICK. Mr. President, I have often expressed my deep concern about the crisis of confidence in our leadership and the deep sense of frustration and distrust toward our entire Government which has pervaded the mail I have received from Coloradans over the past year.

No government can survive without the confidence and support of the people. Ours has survived because each American has believed elections presented an opportunity for all citizens, candidates and parties to present their ideas fairly and honestly, and to have their views udged by the public.

Recent events have raised serious doubts in the minds of many Americans that this principle is being respected. The resulting crisis of confidence, therefore, goes to the core—the very survival—of our system of government. Out of this concern that we must take whatever action is necessary to restore the confidence of the American people in its leadership and government, last July the Senate passed—and I voted for—the Federal Election Campaign Act of 1973, which provided for numerous needed reforms of election campaigns.

This act of 1973 represented a comprehensive campaign reform bill which required full identification of contributions, annual financial disclosure reports by Members of Congress and candidates. It also limits total expenditures in primary and general elections for Federal offices, individual contributions to candidates, and cash contributions and expenditures.

During consideration of the Federal Election Campaign Act of 1973, proponents of Federal subsidization of campaigns—so-called public financing—failed in their efforts to insert Federal subsidization provisions in the act. In December they failed to attach such provisions to the bill raising the debt limit, but did extract a promise from the Senate Rules Committee that it would report a bill on Federal subsidization. This bill is before us now. Title I contains provisions for Federal campaign subsidies in primary and general election campaigns for Federal offices. The other sections of this bill are similar to the provisions of the Federal Election Campaign Act of 1973 as it passed the Senate.

I support reform and have consistently voted for it. I am against—irrevocably against—efforts to establish a Federal financing system as proposed in title I of this bill.

I believe Federal subsidization represents a step backward in our efforts to restore the confidence of the American people in their system.

Giving taxpayers' money to politicians to run for election can only reduce further whatever confidence Americans retain in their political leadership and institutions. Taking away from the individual the decision as to whom their money will go excludes the individual from a vital part of the political process and reduces the voters' involvement, participation and commitment to candidates and parties. Reducing the dependence of candidates and elected officials upon the rank and file of their party and upon the individual citizen voter will insulate representatives further from individual taxpayers who will be, nonetheless, paying their campaign bills.

Federal subsidies would not only limit an individual's right to spend money to express his preferences and views, but they would also require that the individual's tax money go to someone whose views he opposes, as well as restricting the freedom of those who wouldn't want to support any candidate.

With one Senator elected as an independent and another as a third-party candidate currently sitting with us in the Senate, and a growing bloc of voters who regard themselves as "independents," legislation must treat independent candidates and minor or third parties fairly. Yet assuring independent v[illegible] and movements a fair hearing runs [illegible] risk of subsidizing frivolous and publicity-seeking campaigns. There would be no quicker way to discredit subsidization and the whole political process. Any legislation setting standards would inevitably discriminate against some individuals and movements and abridge the freedom of individuals to speak out and run for office.

It is equally difficult, if not impossible, to design regulations which apply to primaries, which in many States are more important than general elections. The bill before us does not even attempt to wrestle with other than Presidential primaries. In legislating how money will be distributed, the law can either strengthen a party organization's hold over candidates by channeling money through the parties, or increase the independence of candidates from parties. This is an inappropriate area to legislate, especially given the traditional flexibility and [illegible] ety of this relationship and the gr[illegible] numbers of independent voters.

The role of volunteer workers and of nonpartisan groups who work in the political arena is a Pandora's box of legal and constitutional issues whose lid has already been tilted ajar by existing legislation and which would be thrown wide open by Federal subsidization.

We are not going to encourage public participation and confidence in politics by reaching into taxpayers pockets to finance election campaigns. The experience of the past decade should have taught that the solution of pouring Federal money—the tax money of the individual—on a problem and adding complex Federal regulations and a government bureaucracy, has never resolved any problem and in alleviating some symptoms has usually created more ills.

At a minimum we should give the 1971 and 1973 reforms a full trial. We should not be swept up by the hysteria of th[illegible] current Watergate environment that w[illegible]

enact unnecessary and dangerous legislation on socalled "public financing." The resultant loss of individual freedom and rights, and the extension of the dead hand of Federal bureaucracy and regulation would serve only to throttle further confidence of American citizens in the responsiveness and integrity of our system of government. To adopt "public financing" would be the ultimate evil legacy of the Watergate era.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

Mr. ALLEN. Mr. President, apparently there are no further amendments to be offered. That is correct, is it not?

Mr. MANSFIELD. As far as we know. Until third reading is achieved, we do not know.

Mr. ALLEN. Since all the amendments have been offered that Senators plan to offer, and since this matter has been under serious discussion under efforts to amend the bill—some of which have been very helpful, some not so helpful; since there is considerable confusion about [illegible] what the bill does provide; since [illegible]re is a body of opinion in the Senate [illegible]t a big mistake is being made, though I do not subscribe to that view, in not opening the general elections up to matching as well—there was an amendment offered by the distinguished Senator from Illinois (Mr. STEVENSON), the distinguished Senator from Minnesota (Mr. HUMPHREY), the distinguished Senator from New Mexico (Mr. DOMENICI), the distinguished Senator from Ohio (Mr. TAFT), the distinguished Senator from California (Mr. CRANSTON), the distinguished Senator from Minnesota (Mr. MONDALE), and the distinguished Senator from Maryland (Mr. BEALL) that would have set up a formula that would have permitted and, in fact, to get the full amount available could very well have required matching in general elections; I believe they had a formula of 25-percent advance Federal matching in House and Senate races, and then 50–50 the rest of the way, and in Presidential elections [illegible]-percent advance Federal subsidy, [illegible] then 50–50 the rest of the way—and since there are a number of other items in the bill that can be improved upon if this bill were to have further consideration by the Rules Committee; and in view of the fact that there are already bills over in the House that they have not yet digested, I am just wondering if we would serve the part of wisdom to send them another bill which, by the way, is 180 degrees different from the bill we sent them in July, that being S. 372, which does not provide for any Federal subsidies whatsoever.

So I wonder if it might not be well to send this bill back to committee for a little more of the baking process.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for an inquiry?

Mr. ALLEN. I yield.

Mr. GRIFFIN. In the light of the explanation made by the distinguished Senator from Alabama that one of these amendments that would have required matching in the general election has been adopted, then, of course, the bill as it now is about to be voted on provides for full Federal taxpayer financing in the general election; is that the Senator's understanding?

Mr. ALLEN. Yes, that is true, except that there is available the option to participate in the Federal subsidy or not. If the candidate wants 100 percent Federal subsidy, he can get it. If he wants to get a little bit from the private sector, that comes off his public subsidy and, obviously, would not be resorted to.

Mr. GRIFFIN. In view of the rejection of that effort by Senator STEVENSON and others, and in view of the rejection of the amendment offered by Senator DOLE the other day, I wonder whether the Senator would agree with me that it is going to be a rather strange situation, if this bill should become law, because the requirements we now have under present law say that when a TV advertisement goes on the air promoting the candidacy of a particular campaign, there must be, in prominent letters and sound, what they call a disclaimer, "Paid for by the Committee on So-and-So."

Would it not be false and fraudulent advertising if all of that money was actually coming out of the U.S. Treasury? Would there be some kind of action that citizen consumer groups, and so forth, or someone else could take to the FCC, because here, on the one hand, they would be saying the cost was paid for by the committee of candidate Jones, but really it is all being paid for by the taxpayers. Is that the situation we would have?

Mr. ALLEN. I see the point of the distinguished Senator from Michigan and I agree with it. I would assume, however, that the public subsidy would go to the candidate or his committee and, in a sense, would be laundered by the committee.

Mr. GRIFFIN. Laundered?

Mr. ALLEN. So it probably would be a correct statement that the money, which is public money, having been laundered by the committee and used by the committee, it might be, then, that it would be an accurate statement to say it was paid for by the committee.

Mr. GRIFFIN. Does the Senator suppose that the laundering will then be described in some segment of the media as being campaign reform?

Mr. ALLEN. This is campaign reform.

Mr. GRIFFIN. I thank the Senator. I will certainly join him in supporting his motion to recommit the bill.

Mr. ALLEN. Mr. President, it is the intention of the Senator from Alabama to make a motion to recommit. Since that motion is debatable, the Senator from Alabama will, at this time, move that the bill be now recommitted to the Committee on Rules and Administration for further study.

Mr. AIKEN. Mr. President, may I just ask a question. In the laundering of this money by the committee, does the Senator from Alabama believe that a lot of soap would be used?

Mr. ALLEN. Yes, soft soap. [Laughter.]

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. Mr. President, I yield back whatever time I have.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BROCK). All time has now been yielded back.

The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to recommit the bill, S. 3044, to the Committee on Rules and Administration.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Ohio (Mr. METZENBAUM), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Alabama (Mr. SPARKMAN) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

The result was announced—yeas 35, nays 53, as follows:

[No. 145 Leg.]

YEAS—35

Aiken	Curtis	McClellan
Allen	Dole	McClure
Baker	Dominick	Metcalf
Bartlett	Eastland	Nunn
Beall	Ervin	Roth
Bellmon	Fannin	Stennis
Bennett	Griffin	Stevenson
Brock	Gurney	Taft
Buckley	Hansen	Talmadge
Byrd, Harry F., Jr.	Helms	Thurmond
Cotton	Hruska	Tower
	Johnston	Weicker

NAYS—53

Abourezk	Hartke	Muskie
Bayh	Haskell	Nelson
Bentsen	Hatfield	Packwood
Bible	Hathaway	Pastore
Biden	Huddleston	Pearson
Brooke	Hughes	Pell
Burdick	Humphrey	Percy
Byrd, Robert C.	Jackson	Proxmire
Cannon	Javits	Ribicoff
Case	Kennedy	Schweiker
Chiles	Magnuson	Scott, Hugh
Clark	Mansfield	Stafford
Cook	Mathias	Stevens
Cranston	McGovern	Symington
Domenici	McIntyre	Tunney
Eagleton	Mondale	Williams
Gravel	Montoya	Young
Hart	Moss	

NOT VOTING—12

Church	Inouye	Scott, William L.
Fong	Long	Sparkman
Fulbright	McGee	
Goldwater	Metzenbaum	
Hollings	Randolph	

So the motion of the Senator from Alabama (Mr. ALLEN) to recommit the bill (S. 3044) to the Committee on Rules and Administration was rejected.

Mr. ROBERT C. BYRD. Mr. President, I think it would be outrageous to saddle the taxpayers of this country with the price tag of financing the campaigns of Members of Congress. The public campaign financing bill now before the Senate would provide up to $90,000 out of the public treasury for any candidate for the House of Representatives in the general election and as high as $2 million for some candidates for the U.S. Senate in the general election.

At a time when so much money is needed to wage the war on cancer, at a time when many persons in this country cannot afford the high cost of medical care, and when I think of people who are dying in this country because they cannot get a kidney dialysis, it is obvious to me that we should not dig into the taxpayers' money to finance the elections of those of us who run for the House and Senate. I do not think the taxpayers ought to have to pay this price tag, and I shall vote against the bill.

Mr. PELL. Mr. President, as chairman of the Senate Subcommittee on Privileges and Elections and as the sponsor of the bill which formed the basis of our deliberations on public financing; I am delighted with its passage by the Senate.

The bill's basic and significant provisions have survived over strong opposition. We have expressed the will of our people weary at election abuses and frustrated by the scandalous influence of special interests. We have given back to the individual voter his rightful authority, and we have strengthened our democracy.

Mr. STEVENSON. Mr. President, for more than a decade, in and out of public office, I have worked for campaign finance reform. It is, therefore, with reluctance that I express my reasons for voting against this bill.

Most of the provisions in the bill have already been approved by the Senate and sent, in one form or another, to the House. They include limits on individual and committee contributions to campaigns for Federal office, a $25,000-limit on contributions of an individual to all Federal campaigns, ceilings on amounts which can be expended in Federal campaigns, a limit on cash contributions and independent enforcement of campaign finance laws. Among the provisions of the bill as passed by the Senate were many that I either coauthored in bills or brought up on the Senate floor as amendments.

The bill before us adds little, except provisions for public financing of Federal campaigns.

I believe in partial public financing of general election campaigns, and in fact introduced a bill for public financing. The bill before us provides for public financing of primaries, as well as general elections, and upon the easiest and most generous terms. The result of public financing in primaries will be to encourage the favorite son, regional and dark horse candidates, the insincere and the adventurers in our politics, too. What we must do is drive from our politics the large contributions, but not fragment our parties any further. The moneys made available from the public treasury by this bill for the financing of primaries will invite a proliferation of candidacies and with little regard to the legitimacy of the candidates' claim upon the public attention. It will invite high pressured advertising, voter confusion, and will make it even more difficult for a serious candidate of the majority to win the nomination of a major party.

It would be wiser to act with less zeal and more prudence and defer this dangerous experiment until such time as public financing has enjoyed some experience in general election campaigns. We could, in an excess of recent enthusiasm, "reform" our two-party system out of existence by financing the candidacies of virtually all comers in primary campaigns for Presidency and the Congress.

From the beginning I have supported partial public financing of general elections campaigns.

When 100-percent public financing was proposed last fall in the Kennedy-Scott amendment to the debt limit bill, I testified in the Finance Committee in support of partial public financing. When the Kennedy-Scott amendment was considered on the floor in late November, I offered an amendment reducing the lump sum subsidy from 100 percent to 50 percent. My amendment was narrowly defeated. Tuesday, with Senators TAFT, DOMENICI, CRANSTON, HUMPHREY, and MONDALE, I offered another partial public financing amendment. That amendment provided for a maximum of 70-percent public financing in Presidential elections and 62.5-percent public financing in congressional elections. Senator KENNEDY offered an amendment to mine which restored 100-percent public financing in Presidential general election campaigns. His amendment was adopted by a margin of 1 vote. Then he offered an amendment to increase public financing in congressional campaigns to 75 percent, and it failed by a margin of 3 votes. Obviously the Senate is closely divided on the issue of partial versus total public financing. But the Senate voted to table the remains of my amendment. The effect of that lopsided vote was to restore 100-percent public financing for both Presidential and congressional general election campaigns.

It has been said that my amendment improved the bill too much and that the vote then for total public financing sounded the death kneel for any public financing. Whether or not that is true, the votes on the two Kennedy amendments provide a good measure of the Senate's true position on the question of partial versus total public financing. The Senate has grave reservations about 100-percent public financing. Those reservations are not reflected in this bill.

This bill provides for 100-percent financing from the Treasury. It permits the candidate to opt for private financing, but few would do so except for the doubtful purpose of waging a demogogic battle against those who dip into the public through for their campaign funds. It would be tempting for some to wage that kind of campaign and with the public distrust of politics running strong, some might succeed against the publicly financed candidate. Making private financing optional thus weakens this bill. At best, it invites private money back in. At worst, it invites private money back in for demagogic purposes.

Most candidates, given a chance to collect $16 million from the Treasury as a Presidential candidate, or $800,000 as a Senate candidate in Illinois, would opt for public financing. Our debate has overlooked the enormous savings in fundraising expenses made possible by public financing. A $1 million grant from the Treasury may save the candidate another $100,000 or more in fundraising expense. And that is all to the good—but it means that few legitimate candidates would opt on these terms for private financing, especially with individual contributions limited to $1,500. Once a candidate opts for public financing, no one can give so much as a nickel to his support.

And that, Mr. President, is what causes me—reluctantly—to vote against this bill. No member of the Senate is more determined to rid our politics of the corrupting influence of large contributions. The amendment I offered would have done so and at the same time permitted small contributions by individuals to candidates of their choice. It provided for partial public financing of presidential and congressional general election campaigns and partial private financing from contributions of $3,000 or less in the case of individuals and $6,000 or less in the case of committees. The purpose of public financing is to eliminate the large, potential corrupting contributions, not the innocent small contributions.

Because most, if not all, candidates will be unable to resist the lure of 100 percent public financing, this bill would effectively eliminate small contributions. It will place a premium on the arts and artifices of Madison Avenue. The electorate could be misled by the high priced hucksters as never before. Minority candidates will have a chance to succeed as never before. The fragmentation of the parties will follow. I fear for the continued existence of our two-party system should this bill, in its present form, become law.

I fear the consequences of such public largess. Candidates ought to be compelled, day in and day out, to listen to their constituents and solicit their favor. They ought to be forced to go out and seek—from housewives, teachers, businessmen and farmers—small contributions. The Government is too far removed already from the people, the arts of the advertisers are too seductive already. We ought to sanitize our politics—not, with some belated enthusiasm for "reform," sterilize it.

This bill implicitly distrusts the people and their good sense. I think most people take their government seriously. They want to be a part of it, and with rising levels of education and dissatisfaction with politics as usual, they will increasingly demand a voice in the electoral process. They want to feel that they can make a difference. They want, and rightly so, to contribute to the candidates of their choice. This bill would cut the money out—and that is to the good—

but it would also cut the people out—and that is terrible. There is nothing inherently corrupting about a 3 cents, $3, $300, or, for that matter, a $3,000 contribution. This bill says the citizen can contribute nothing to the candidate of his choice—work for him, yes, spend up to $1,000 in advertising of his own buying, yes—but to give him $5 or $1,000, no—because to do so, this bill implies, might corrupt a candidate for President of the United States or the Congress.

On the face of it that makes no sense. It is downright wrong.

This bill not only eliminates a meaningful form of participation by people in their government, it also drives up the costs to the Treasury and the taxpayer.

It is more than most people will tolerate. They are willing to pay the necessary price for the elimination of the big contributions—but no more. This bill will be perceived as yet another transgression by the politician. After all, what reason is there for 100-percent public financing when 60 or 70 percent would eliminate the large contributions by the rich and the powerful and preserve the innocent contributions of the small and the weak—those who only want to serve their party and their country and have a voice.

Some "reform" groups opposed my amendment strenuously. And now they resent the obstinacy of myself, Senator HUMPHREY and others who stood by their convictions and refused to knuckle under. If more of these well-intentioned individuals had ever sought election to public office, they might be more understanding of the decencies of the people and the innocence of participation by small contributors. They might understand the revulsion I feel as a candidate at the prospect of waiting to receive a check from the U.S. Treasury for $900,000. I do not need anywhere near that much public money to wage a successful campaign if I can continue to accept small private contributions.

The goal of reform, as I see it, is the removal of influences which cause public officials to lose their impartiality. The goes beyond that to seek the elimination of any appearance of impropriety. The appearance of impropriety can erode public confidence as effectively as its actuality.

The most corrupting influence in our politics is a system of campaign financing which permits wealthy groups and individuals to acquire undue influence by making large campaign contributions. I think this Congress is quite prepared to eliminate that influence—and any appearance of it—but not by itself appearing to wallow in the public trough. This bill could do more to undermine public confidence in the integrity of our political institutions than an unreconstructed system of private financing. The people will not take kindly to a law which effectively compels taxpayer financing of all the costs of political campaigns when for a lesser sum the evils of large contributions could be eliminated.

The Congress will be a more perfect instrument of popular self-government if Members of Congress are free to represent all their constituents, contributors and noncontributors alike, as best they can. There is only one institution which represents the people, and that is the Congress of the United States. It follows that the goal of reform will not be achieved unless we and only we do the legislating.

I say this with sadness because I have sought for a long time to eliminate the evils of money from politics. But I cannot be true to political reform and vote for the public financing provisions of this bill. In its other major particulars it has already been approved by the Senate and awaits action by the House. That being the case, there is no reason to vote for it. I must vote against it and urge my colleagues to do likewise. It would be wiser to start anew with another bill, one that can deserve and attract public support, win passage in the Congress and approval by the President and the courts.

Mr. DOMENICI. Mr. President, I am firmly committed to effective election reform. To be effective in reforming our election procedures, we must follow a comprehensive approach since it does no good to simply plug up some existing loopholes and leave or create others. In other words, we should not be satisfied with replacing an obviously deficient system with one which may be as weak.

My commitment to comprehensive improvement leads me to conclude that public financing is required to achieve the fundamental objectives of limited contributions and limited spending, both of which must be strictly enforced and completely disclosed. I therefore support the principle of helping to finance certain federal elections through the use of public funds and committed myself to support S. 3044 if it had that effect.

After these long weeks of debate and seemingly endless manuvering, I have decided that I can support the bill on final passage despite what I view as glaring deficiencies.

There is no question that the bill contains many improvements over existing procedures. Spending and contribution limitations and full disclosure, although contained in other pending legislation, are significant improvements which must be supported.

Feeling as I do that public financing is a means to an end—election reform—rather than an end in itself, I am afraid that we have put more emphasis on public financing than its actual contribution to election reform would justify.

It appears to me that by this bill we have embraced public financing as a possible cure-all by providing that any candidate in congressional or Presidential general elections can receive 100 percent of the specified spending limit from public funds. To me there is nothing magic in money which has its source with the public rather than individuals or groups. Yet there is, Mr. President, something detrimental in discouraging people to put their financial support behind a candidate in the form of small contributions just as there is in relieving candidates of any inducement to present the merits of his candidacy to try to get those small contributions.

During the hours of debate I pointed these deficiencies as did many of my colleagues. Senators STEVENSON and TAFT and I introduced and brought to the floor amendments designed to put public financing in its true perspective as a tool of election reform. We were, unfortunately narrowly unsuccessful.

The end result of these inflexible attitudes is 100 percent public financing at the option of candidates in general elections which has the deficiencies I have previously mentioned.

Regarding primaries, Mr. President, I am not yet convinced that the public interest is actually served by allowing public financing with such a low-threshold requirement. In addition, abuse of public funding for both primary and general elections when neither has received public financing previously is not only possible but, in my opinion, highly probable. We should have been satisfied to test public financing in general elections before extending it to primary elections. Alternatively we could have limited our first venture into this complicated field to either congressional or Presidential elections instead of flying headlong into large-scale public financing of all primaries and total public financing of all general elections.

So, Mr .President, I am convinced that we are attempting to fly before we have even learned to walk and I am afraid the results will be at best, disappointing, and as the worst, disastrous. In spite of these misgiving I have concluded we would be better off trying to fly than mired down with our present system which has come to be so distrusted by so many concerned Americans. I cannot in good conscience vote for the status quo. Consequently, Mr. President, I will vote in support of final passage of S. 3044 and hope the remainder of the legislative process will correct some of the deficiences I have outlined.

Mr. PERCY. Mr. President, earlier in the debate on S . 3044, title V was deleted from the bill as it dealt with amendments to the tax code which must come from the Finance Committee.

One of the provisions thus deleted was to double the currently allowable tax credits and tax deductions for political contributions—from $12.50 to $25 in the case of tax credits and from $50 to $100 in the case of tax deductions.

Mr. President, I understand why these provisions had to be deleted from the bill, but I feel strongly that such provisions should be enacted into law.

I have a bill pending before the Finance Committee to double tax credits and tax deductions for political contributions, and I have the intention to offer this bill as an amendment to the next appropriate bill reported from the Finance Committee.

I feel that we should take steps to encourage political contributions from a larger number of people, and doubling tax credits and tax deductions for political contributions should accomplish this end.

Mr. TAFT. Mr. President, during the debate on S. 3044, there were several votes I missed upon which I would like

my constituents and others to know my position.

I would have voted yea on Baker amendment No. 1075, to forbid contributions within 10 days of an election and require contribution reports 5 days before the election; yea on the Allen unprinted amendment of April 4 to lower the maximum permissible private contribution to $1,000 for congressional races and $2,000 for Presidential races; yea on the Humphrey amendment No. 1150 to make election day a natitonal holiday; and nay on the Dole April 8 unprinted amendment to require identification of political advertisements partially or fully supported by public funds.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CANNON. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas any nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. STENNIS (after having voted in the negative). On this vote, I have a pair with the Senator from West Virginia (Mr. RANDOLPH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from Ohio (Mr. METZENBAUM), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Missouri (Mr. SYMINGTON) are necessarily abent.

I further announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.) and the Senator from Alabama (Mr. SPARKMAN) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), and the Senator from Missouri (Mr. SYMINGTON) would each vote "yea."

On this vote, the Senator from Ohio (Mr. METZENBAUM) is paired with the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

If present and voting, the Senator from Ohio would vote "yea" and the Senator from Virginia would vote "nay."

On this vote, the Senator from Idaho (Mr. CHURCH) is paired with the Senator from South Carolina (Mr. HOLLINGS).

If present and voting, the Senator from Idaho would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

I also announce that the Senator from Virginia (Mr. WILLIAM L. SCOTT) is absent on official business.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "nay."

The result was announced—yeas 53, nays 32, as follows:

[No. 146 Leg.]

YEAS—53

Abourezk	Hartke	Moss
Bayh	Haskell	Muskie
Beall	Hatfield	Nelson
Bentsen	Hathaway	Packwood
Bible	Huddleston	Pastore
Biden	Hughes	Pearson
Brooke	Humphrey	Pell
Burdick	Jackson	Percy
Cannon	Javits	Proxmire
Case	Kennedy	Ribicoff
Chiles	Magnuson	Schweiker
Clark	Mansfield	Scott, Hugh
Cranston	Mathias	Stafford
Domenici	McGovern	Stevens
Eagleton	McIntyre	Tunney
Gravel	Metcalf	Williams
Gurney	Mondale	Young
Hart	Montoya	

NAYS—32

Aiken	Curtis	McClellan
Allen	Dole	McClure
Baker	Dominick	Nunn
Bartlett	Eastland	Roth
Bellmon	Ervin	Stevenson
Bennett	Fannin	Taft
Brock	Griffin	Talmadge
Buckley	Hansen	Thurmond
Byrd, Robert C.	Helms	Tower
Cook	Hruska	Weicker
Cotton	Johnston	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Stennis, against.

NOT VOTING—14

Byrd, Harry F., Jr.	Hollings	Scott, William L.
Church	Inouye	Sparkman
Fong	Long	Symington
Fulbright	McGee	
Goldwater	Metzenbaum	
	Randolph	

So the bill (S. 3044) was passed, as follows:

S. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Act Amendments of 1974".

TITLE I—FINANCING OF FEDERAL CAMPAIGNS

PUBLIC FINANCING PROVISIONS

SEC. 101. The Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new title:

"TITLE V—PUBLIC FINANCING OF FEDERAL ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title, the term—

"(1) 'candidate', 'Commission', 'contribution', 'expenditure', 'national committee', 'political committee', 'political party', or 'State' has the meaning given it in section 301 of this Act;

"(2) 'authorized committee' means the central campaign committee of a candidate (under section 310 of this Act) or any political committee authorized in writing by that candidate to make or receive contributions or to make expenditures on his behalf;

"(3) 'Federal office' means the office of President, Senator, or Representative;

"(4) 'Representative' means a Member of the House of Representatives, the Resident Commissioner from the Commonwealth of Puerto Rico, and the Delegates from the District of Columbia, Guam, and the Virgin Islands;

"(5) 'general election' means any regularly scheduled or special election held for the purpose of electing a candidate to Federal office or for the purpose of electing presidential and vice presidential electors;

"(6) 'primary election' means (A) an election, including a runoff election, held for the nomination by a political party of a candidate for election to Federal office, (B) a convention or caucus of a political party held for the nomination of such candidate, (C) a convention, caucus, or election held for the selection of delegates to a national nominating convention of a political party, and (D) an election held for the expression of a preference for the nomination by a political party of persons for election to the office of President;

"(7) 'eligible candidate' means a candidate who is eligible, under section 502, for payments under this title;

"(8) 'major party' means, with respect to an election for any Federal office—

"(A) a political party whose candidate for election to that office in the preceding general election for that office received, as a candidate of that party, 25 percent or more of the total number of votes cast in that election for all candidates for that office, or

"(B) if only one political party qualifies as a major party under the provisions of subparagraph (A), the political party whose candidate for election to that office in that election received, as the candidate of that party, the second greatest number of votes cast in that election for all candidates for that office (if such number is equal to 15 percent or more of the total number of votes cast in that election for all candidates for that office, and if, in a State which registers voters by party, that said party's registration in such State or district is equal to 15 per centum or more of the total voter registration in said State or district);

"(9) 'minor party' means, with respect to an election for a Federal office, a political party whose candidate for election to that office in the preceding general election for that office received, as the candidate of that party, at least 5 percent but less than 25 percent of the total number of votes cast in that election for all candidates for that office; and

"(10) 'fund' means the Federal Election Campaign Fund established under section 506(a).

"ELIGIBILITY FOR PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title, a candidate shall agree—

"(1) to obtain and to furnish to the Commission any evidence it may request about his campaign expenditures and contributions;

"(2) to keep and to furnish to the Commission any records, books, and other information it may request;

"(3) to an audit and examination by the Commission under section 507 and to pay any amounts required under section 507; and

"(4) to furnish statements of expenditures and proposed expenditures required under section 508.

"(b) Every such candidate shall certify to the Commission that—

"(1) the candidate and his authorized committees will not make campaign expenditures greater than the limitations in section 504; and

"(2) no contributions will be accepted by the candidate or his authorized committees in violation of section 615(b) of title 18, United States Code.

"(c)(1) To be eligible to receive any payments under section 506 for use in connection with his primary election campaign, a candidate shall certify to the Commission that—

"(A) he is seeking nomination by a political party for election as a Representative and he and his authorized committees have received contributions for that campaign of more than $10,000;

"(B) he is seeking nomination by a political party for election to the Senate and he and his authorized committees have received contributions for that campaign equal in amount to the lesser of—

"(i) 20 percent of the maximum amount he may spend in connection with his primary election campaign under section 504 (a)(1); or

"(ii) $125,000; or

"(C) he is seeking nomination by a political party for election to the office of President and he and his authorized committees have received contributions for his campaign throughout the United States in a total amount of more than $250,000, with not less than $5,000 in matchable contributions having been received from legal residents of each of at least twenty States.

"(2) To be eligible to receive any payments under section 506 for use in connection with a primary runoff election campaign, a candidate shall certify to the Commission that he is seeking nomination by a political party for election as a Representative or as a Senator, and that he is a candidate for such nomination in a runoff primary election. Such a candidate is not required to receive any minimum amount of contributions before receiving payments under this title.

"(d) To be eligible to receive any payments under section 506 in connection with his general election campaign, a candidate must certify to the Commission that—

"(1) he is the nominee of a major or minor party for election to Federal office; or

"(2) in the case of any other candidate, he is seeking election to Federal office and he and his authorized committees have received contributions for that campaign in a total amount of not less than the campaign fund required under subsection (c) of a candidate for nomination for election to that office, determined in accordance with the provisions of subsection (e) (disregarding the words 'for nomination' in paragraph (1) of such subsection and substituting the words 'general election' for 'primary election' in paragraphs (2) and (3) of such subsection).

"(e) In determining the amount of contributions received by a candidate and his authorized committees for purposes of subsection (c) and for purposes of subsection (d)(2)—

"(1) no contribution received by the candidate or any of his authorized committees as a subscription, loan, advance, or deposit, or as a contribution of products or services, shall be taken into account;

"(2) in the case of a candidate for nomination for election to the office of President, no contribution from any person shall be taken into account to the extent that it exceeds $250 when added to the amount of all other contributions made by that person to or for the benefit of that candidate in connection with his primary election campaign; and

"(3) in the case of any other candidate, no contribution from any person shall be taken into account to the extent that it exceeds $100 when added to the amount of all other contributions made by that person to or for the benefit of that candidate in connection with his primary election campaign.

"(f) Agreements and certifications under this section shall be filed with the Commission at the time required by the Commission.

"ENTITLEMENT TO PAYMENTS

"SEC. 503. (a)(1) Every eligible candidate is entitled to payments in connection with his primary election campaign in an amount which is equal to the amount of contributions received by that candidate or his authorized committees, except that no contribution received as a subscription, loan, advance, or deposit, or as a contribution of products or services, shall be taken into account.

"(2) For purposes of paragraph (1)—

"(A) in the case of a candidate for nomination for election to the office of President, no contribution from any person shall be taken into account to the extent that it exceeds $250 when added to the amount of all other contributions made by that person to or for the benefit of that candidate for his primary election campaign; and

"(B) in the case of any other candidate for nomination for election to Federal office, no contribution from any person shall be taken into account to the extent that it exceeds $100 when added to the amount of all other contributions made by that person to or for the benefit of that candidate for his primary election campaign.

"(b)(1) Every eligible candidate who is nominated by a major party is entitled to payments for use in his general election campaign in an amount which is equal to the amount of expenditures the candidate may make in connection with that campaign under section 504.

"(2) Every eligible candidate who is nominated by a minor party is entitled to payments for use in his general election campaign in an amount equal to the greater of—

"(A) an amount which bears the same ratio to the amount of payments to which a candidate of a major party for the same office is entitled under this subsection as the total number of popular votes received by the candidate of that minor party for that office in the preceding general election bears to the average number of popular votes received by the candidates of major parties for that office in the preceding general election; or

"(B) an amount which bears the same ratio to the amount of payments to which a candidate of a major party for the same office is entitled under this subsection as the total number of popular votes received by that eligible candidate as a candidate for that office (other than votes he received as the candidate of a major party for that office) in the preceding general election bears to the average number of popular votes received by the candidates of major parties for that office in the preceding general election.

"(3)(A) A candidate who is eligible under section 502(d)(2) to receive payments under section 506 is entitled to payments for use in his general election campaign in an amount equal to the amount determined under subparagraph (B).

"(B) If a candidate whose entitlement is determined under this paragraph received, in the preceding general election held for the office to which he seeks election, 5 percent or more of the total number of votes cast for all candidates for that office, he is entitled to receive payments for use in his general election campaign in an amount (not in excess of the applicable limitation under section 504) equal to an amount which bears the same ratio to the amount of the payment under section 506 to which the nominee of a major party is entitled for use in his general election campaign for that office as the number of votes received by that candidate in the preceding general election for that office bears to the average number of votes cast in the preceding general election for all major party candidates for that office. The entitlement of a candidate for election to any Federal office who, in the preceding general election held for that office, was the candidate or a major or minor party shall not be determined under this paragraph.

"(4) An eligible candidate who is the nominee of a minor party or whose entitlement is determined under section 502(d)(2) and who receives 5 percent or more of the total number of votes cast in the current election, is entitled to payments under section 506 after the election for expenditures made or incurred in connection with his general election campaign in an amount (not in excess of the applicable limitation under section 504) equal to—

"(A) an amount which bears the same ratio to the amount of the payment under section 506 to which the nominee of a major party was or would have been entitled for use in his campaign for election to that office as the number of votes received by the candidate in that election bears to the average number of votes cast for all major party candidates for that office in that election, reduced by

"(B) any amount paid to the candidate under section 506 before the election.

"(5) In applying the provisions of this section to a candidate for election to the office of President—

"(A) votes cast for electors affiliated with a political party shall be considered to be cast for the Presidential candidate of that party, and

"(B) votes cast for electors publicly pledged to cast their electoral votes for a candidate shall be considered to be cast for that candidate.

"(c) Notwithstanding the provisions of subsections (a) and (b), no candidate is entitled to the payment of any amount under this section which, when added to the total amount of contributions received by him and his authorized committees and any other payments made to him under this title for his primary or general election campaign, exceeds the amount of the expenditure limitation applicable to him for that campaign under section 504.

"EXPENDITURE LIMITATIONS

"SEC. 504. (a)(1) Except to the extent that such amounts are changed under subsection (f)(2), no candidate (other than a candidate for nomination for election to the office of President) who receives payments under this title for use in his primary election campaign may make expenditures in connection with that campaign in excess of the greater of—

"(A) 8 cents multiplied by the voting age population (as certified under subsection (g)) of the geographical area in which the election for such nomination is held, or

"(B)(i) $125,000, if the Federal office sought is that of Senator, or Representative from a State which is entitled to only one Representative, or

"(ii) $90,000, if the Federal office sought is that of Representative from a State which is entitled to more than one Representative.

"(2)(A) No candidate for nomination for election to the office of President may make expenditures in any State in which he is a candidate in a primary election in excess of two times the amount which a candidate for nomination for election to the office of Senator from that State (or for nomination for election to the office of Delegate in the case of the District of Columbia, the Virgin Islands, or Guam, or to the office of Resident Commissioner in the case of Puerto Rico) may expend in that State in connection with his primary election campaign.

"(B) Notwithstanding the provisions of

subparagraph (A), no such candidate may make expenditures throughout the United States in connection with his campaign for that nomination in excess of an amount equal to ten cents multiplied by the voting age population of the United States. For purposes of this subparagraph, the term 'United States' means the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, and the Virgin Islands and any area from which a delegate to the national nominating convention of a political party is selected.

"(b) Except to the extent that such amounts are changed under subsection (f)(2), no candidate who receives payments under this title for use in his general election campaign may make expenditures in connection with that campaign in excess of the greater of—

"(1) 12 cents multiplied by the voting age population (as certified under subsection (g)) of the geographical area in which the election is held, or

"(2)(A) $175,000, if the Federal office sought is that of Senator, or Representative from a State which is entitled to only one Representative, or

"(B) $90,000, if the Federal office sought is that of Representative from a State which is entitled to more than one Representative.

"(c) No candidate who is unopposed in a general election may make expenditures in connection with his general election campaign in excess of 10 percent of the limitation in subsection (b).

"(d) The Commissioner shall prescribe regulations under which any expenditure by a candidate for nomination for election to the office of President for use in two or more States shall be attributed to such candidate's expenditure limitation in each such State under subsection (a)(2)(A) of this section, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

"(e)(1) Expenditures made on behalf of any candidate are, for the purposes of this section, considered to be made by such candidate.

"(2) Expenditures made by or on behalf of any candidate for the office of Vice President of the United States are, for the purposes of this section, considered to be made by the candidate for the office of President of the United States with whom he is running.

"(3) For purposes of this subsection, an expenditure is made on behalf of a candidate, including a Vice Presidential candidate, if it is made by—

"(A) an authorized committee or any other agent of the candidate for the purposes of making any expenditure;

"(B) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate to make the expenditure; or

"(C) a national or State committee of a political party in connection with a primary or general election campaign of that candidate, if such expenditure is in excess of the limitations of section 614(b) of title 18, United States Code.

"(4) For purposes of this section an expenditure made by the national committee of a political party, or by the State committee of a political party, in connection with the general election campaign of a candidate affiliated with that party which is not in excess of the limitations contained in section 614(b) of title 18, United States Code, is not considered to be an expenditure made on behalf of that candidate.

"(f)(1) For purposes of paragraph (2)—

"(A) 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics, and

"(B) 'base period' means the calendar year 1973.

"(2) At the begininng of each calendar year (commencing in 1975), as necessary data become available from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percentage difference between the price index for the twelve months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under subsections (a) and (b) shall be changed by such percentage difference. Each amount so changed shall be the amount in effect for such calendar year.

"(g) During the first week of January, 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term 'voting age population' means resident populaton, eighteen years of age or older.

"(h) Upon receiving the certification of the Secretary of Commerce and of the Secretary of Labor, the Commission shall publish in the Federal Register the applicable expenditure limitations in effect for the calendar year for the United States, and for each State and congressional district under this section.

"(i) In the case of a candidate who is campaigning for election to the House of Representatives from a district which has been established, or the boundaries of which have been altered, since the preceding general election for such office, the determination of the amount and the determination of whether the candidate is a major party candidate or a minor party candidate or is otherwise entitled to payments under this title shall be made by the Commission based upon the number of votes cast in the preceding general election for such office by voters residing within the area encompassed in the new or altered district.

"CERTIFICATIONS BY COMMISSION

"SEC. 505. (a) On the basis of the evidence, books, records, and information furnished by each candidate eligible to receive payments under section 506, and prior to examination and audit under section 507, the Commission shall certify from time to time to the Secretary of the Treasury for payment to each candidate the amount to which that candidate is entitled.

"(b) Initial certifications by the Commission under subsection (a), and all determinations made by it under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 313.

"PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) There is established within the Treasury a fund to be known as the Federal Election Campaign Fund. There are authorized to be appropriated to the fund amounts equal to the sum of the amounts designated by taxpayers under section 6096 of the Internal Revenue Code of 1954 not previously taken into account for purposes of this subsection, and such additional amounts as may be necessary to carry out the provisions of this title without any reduction under subsection (c). The moneys in the fund shall remain available without fiscal year limitation.

The Secretary of the Treasury may accept and credit to the fund money received in the form of a donation, gift, legacy, or bequest, or otherwise contributed to the fund.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary of the Treasury shall pay the amount certified by the Commission to the candidate to whom the certification relates.

"(c)(1) If the Secretary of the Treasury determines that the monies in the fund are not, or may not be, sufficient to pay the full amount of entitlement to all candidates eligible to receive payments, he shall reduce the amount to which each candidate is entitled under section 503 by a percentage equal to the percentage obtained by dividing (1) the amount of money remaining in the fund at the time of such determination by (2) the total amount which all candidates eligible to receive payments are entitled to receive under section 503. If additional candidates become eligible under section 502 after the Secretary determines there are insufficient monies in the fund, he shall make any further reductions in the amounts payable to all eligible candidates necessary to carry out the purposes of this subsection. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 503.

"(2) If, as a result of a reduction under this subsection in the amount to which an eligible candidate is entitled under section 503, payments have been made under this section in excess of the amount to which such candidate is entitled, that candidate is liable for repayment to the fund of the excess under procedures the Commission shall prescribe by regulation.

"(d) No payment shall be made under this title to any candidate for any campaign in connection with any election occurring before January 1, 1976.

"EXAMINATIONS AND AUDITS; REPAYMENTS

"SEC. 507. (a) After each Federal election, the Commission shall conduct a thorough examination and audit of the campaign expenditures of all candidates for Federal office who received payments under this title for use in campaigns relating to that election.

"(b)(1) If the Commission determines that any portion of the payments made to an eligible candidate under section 506 was in excess of the aggregate amount of the payments to which the candidate was entitled, it shall so notify that candidate, and he shall pay to the Secretary of the Treasury an amount equal to the excess amount. If the Commission determines that any portion of the payments made to a candidate under section 506 for use in his primary election campaign or his general election campaign was not used to make expenditures in connection with that campaign, the Commission shall so notify the candidate and he shall pay an amount equal to the amount of the unexpended portion to the Secretary. In making its determination under the preceding sentence, the Commission shall consider all amounts received as contributions to have been expended before any amounts received under this title are expended.

"(2) If the Commission determines that any amount of any payment made to a candidate under section 506 was used for any purpose other than—

"(A) to defray campaign expenditures, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray campaign expenditures which were received and expended) which were used, to defray campaign expenditures,

it shall notify the candidate of the amount so used, and the candidate shall pay to the Secretary of the Treasury an amount equal to such amount.

"(3) No payment shall be required from a candidate under this subsection in excess of the total amount of all payments received by the candidate under section 506 in connection with the camapign with respect to which the event occurred which caused the

candidate to have to make a payment under this subsection.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a campaign more than eighteen months after the day of the election to which the campaign related.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the fund.

"INFORMATION ON EXPENDITURES AND PROPOSED EXPENDITURES

"SEC. 508. (a) Every candidate shall, from time to time as the Commission requires, furnish to the Commission a detailed statement, in the form the Commission prescribes, of—

"(1) the campaign expenditures incurred by him and his authorized committees prior to the date of the statement (whether or not evidence of campaign expenditures has been furnished for purposes of section 505), and

"(2) the campaign expenditures which he and his authorized committees propose to incur on or after the date of the statement.

"(b) The Commission shall, as soon as possible after it receives a statement under subsection (a), prepare and make available for public inspection and copying a summary of the statement, together with any other data or information which it deems advisable.

"REPORTS TO CONGRESS

"SEC. 509. (a) The Commission shall, as soon as practicable after the close of each calendar year, submit a full report to the Senate and House of Representatives setting forth—

"(1) the expenditures incurred by each candidate, and his authorized committees, who received any payment under section 506 in connection with an election;

"(2) the amounts certified by it under section 505 for payment to that candidate; and

"(3) the amount of payments, if any, required from that candidate under section 507, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to conduct examinations and audits (in addition to the examinations and audits under sections 505 and 507), to conduct investigations, and to require the keeping and submission of any books, records, or other information necessary to carry out the functions and duties imposed on it by this title.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 510. The Commission may initiate civil proceedings in any district court of the United States to seek recovery of any amounts determined to be payable to the Secretary of the Treasury by a candidate under this title.

"PENALTY FOR VIOLATIONS

"SEC. 511. Violation of any provision of this title is punishable by a fine of not more than $50,000, or imprisonment for not more than five years, or both.

"RELATIONSHIP TO OTHER FEDERAL ELECTION LAWS

"SEC. 512. The Commission shall consult from time to time with the Secretary of the Senate, the Clerk of the House of Representatives, the Federal Communications Commission, and with other Federal officers charged with the administration of laws relating to Federal elections, in order to develop as much consistency and coordination with the administration of those other laws as the provisions of this title permit. The Commission shall use the same or comparable data as that used in the administration of such other election laws whenever possible.".

TITLE II—CHANGES IN CAMPAIGN COMMUNICATIONS LAW AND IN REPORTING AND DISCLOSURE PROVISIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971

CAMPAIGN COMMUNICATIONS

SEC. 201. (a) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended—

(A) by inserting "(1)" immediately after "(a)";

(B) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(C) by adding at the end thereof the following new paragraphs:

"(2) The obligation imposed by the first sentence of paragraph (1) upon a licensee with respect to a legally qualified candidate for any elective office (other than the offices of President and Vice President) shall be met by such licensee with respect to such candidate if—

"(A) the licensee makes available to such candidate not less than five minutes of broadcast time without charge;

"(B) the licensee notifies such candidate by certified mail at least fifteen days prior to the election of the availability of such time; and

"(C) such broadcast will cover, in whole or in part, the geographical area in which such election is held.

"(3) No candidate shall be entitled to the use of broadcast facilities pursuant to an offer by a licensee under paragraph (2) unless such candidate notifies the licensee in writing of his acceptance of the offer within forty-eight hours after receipt of the offer."

(b) Section 315(b) of such Act (47 U.S.C. 315(b)) is amended by striking out "by any person" and inserting "by or on behalf of any person".

(c)(1) Section 315(c) of such Act (47 U.S.C. 315(c)) is amended to read as follows:

"(c) No station licensee may make any charge for the use of any such station by or on behalf of any legally qualified candidate for nomination for election, or for election, to Federal elective office unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not exceed the limit on expenditures applicable to that candidate under section 504 of the Federal Election Campaign Act of 1971, or under section 614 of title 18, United States Code.".

(2) Section 315(d) of such Act (47 U.S.C. 315(d)) is amended to read as follows:

"(d) If a State by law imposes a limitation upon the amount which a legally qualified candidate for nomination for election, or for election, to public office (other than Federal elective office) within that State may spend in connection with his campaign for such nomination or his campaign for election, then no station licensee may make any charge for the use of such station by or on behalf of such candidate unless such candidate (or a person specifically authorized in writing by him to do so) certifies to such licensee in writing that the payment of such charge will not violate that limitation.".

(d) Section 317 of such Act (47 U.S.C. 317), is amended by—

(1) striking out in paragraph (1) of subsection (a) "person: *Provided*, That" and inserting in lieu thereof the following: "person. If such matter is a political advertisement soliciting funds for a candidate or a political committee, there shall be announced at the time of such broadcast a statement that a copy of reports filed by that person with the Federal Election Commission is available from the Federal Election Commission, Washington, D.C., and the licensee shall not make any charge for any part of the costs of making the announcement. The term"; and

(2) by redesignating subsection (e) as (f), and by inserting after subsection (d) the following new subsection:

"(e) Each station licensee shall maintain a record of any political advertisement broadcast, together with the identification of the person who caused it to be broadcast, for a period of two years. The record shall be available for public inspection at reasonable hours.".

(e) The Campaign Communications Reform Act is repealed.

CHANGES IN DEFINITIONS FOR REPORTING AND DISCLOSURE

SEC. 202. (a) Section 301 of the Federal Election Campaign Act of 1971 (relating to definitions) is amended by—

(1) striking out ", and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States" in paragraph (a), and by inserting "and" before "(4)" in such paragraph;

(2) striking out paragraph (d) and inserting in lieu thereof the following:

"(d) 'political committee' means—

"(1) any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(2) any national committee, association, or organization of a political party, any State affiliate or subsidiary of a national political party, and any State central committee of a political party; and

"(3) any committee, association, or organization engaged in the administration of a separate segregated fund described in section 610 of title 18, United States Code;";

(3) inserting in paragraph (e)(1) after "subscription" the following: "(including any assessment, fee, or membership dues)";

(4) striking out in paragraph (e)(1) "or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States" and inserting in lieu thereof the following: "or for the purpose of financing any operations of a political committee (other than a payment made or an obligation incurred by a corporation or labor organization which, under the provisions of the last paragraph of section 610 of title 18, United States Code, does not constitute a contribution by that corporation or labor organization), or for the purpose of paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office";

(5) striking out subparagraph (2) of paragraph (e), and amending subparagraph (3) of such paragraph to read as follows:

"(2) funds received by a political committee which are transferred to that committee from another political committee;";

(6) redesignating subparagraphs (4) and (5) of paragraph (e) as paragraphs (3) and (4), respectively;

(7) striking out paragraph (f) and inserting in lieu thereof the following:

"(f) 'expenditure'—

"(1) means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of—

"(A) influencing the nomination for election, or the election, of any person to Federal office, or to the office of presidential and vice-presidential elector;

"(B) influencing the result of a primary election held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President;

"(C) financing any operations of a political committee; or

"(D) paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office; and

"(2) means the transfer of funds by a political committee to another political committee; but

"(3) does not include—

"(A) the value of services rendered by individuals who volunteer to work without compensation on behalf of a candidate; or

"(B) any payment made or obligation incurred by a corporation or a labor organization which, under the provisions of the last paragraph of section 610 of title 18, United States Code, would not constitute an expenditure by that corporation or labor organization;";

(8) striking "and" at the end of paragraph (h);

(9) striking the period at the end of paragraph (i) and inserting in lieu thereof a semicolon; and

(10) adding at the end thereof the following new paragraphs:

"(j) 'identification' means—

"(1) in the case of an individual, his full name and the full address of his principal place of residence; and

"(2) in the case of any other person, the full name and address of that person;

"(k) 'national committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of that political party at the national level, as determined by the Commission; and

"(l) 'political party' means an association, committee, or organization which nominates a candidate for election to any Federal office, whose name appears on the election ballot as the candidate of that association, committee, or organization.".

(b)(1) Section 302(b) of such Act (relating to reports of contributions in excess of $10) is amended by striking ", the name and address (occupation and principal place of business, if any)" and inserting "of the contribution and the identification".

(2) Section 302(c) of such Act (relating to detailed accounts) is amended by striking "full name and mailing address (occupation and the principal place of business, if any)" in paragraphs (2) and (4) and inserting in each such paragraph "identification".

(3) Section 302(c) of such Act is further amended by striking the semicolon at the end of paragraph (2) and inserting "and, if a person's contributions aggregate more than $100, the account shall include occupation, and the principal place of business (if any);".

REGISTRATION OF CANDIDATES AND POLITICAL COMMITTEES

SEC. 203. (a) Section 303 of the Federal Election Campaign Act of 1971 (relating to registration of political committees; statements) is amended by redesignating subsections (a) through (d) as (b) through (e), respectively, and by inserting after "SEC. 303." the following new subsection (a):

"(a) Each candidate shall, within ten days after the date on which he has qualified under State law as a candidate, or on which he, or any person authorized by him to do so, has received a contribution or made an expenditure in connection with his campaign or for the purpose of preparing to undertake his campaign, file with the Commission a registration statement in such form as the Commission may prescribe. The statement shall include—

"(1) the identification of the candidate, and any individual, political committee, or other person he has authorized to receive contributions or make expenditures on his behalf in connection with his campaign;

"(2) the identification of his campaign depositories, together with the title and number of each account at each such depository which is to be used in connection with his campaign, any safety deposit box to be used in connection therewith, and the identification of each individual authorized by him to make any expenditure or withdrawal from such account or box; and

"(3) such additional relevant information as the Commission may require.".

(b) The first sentence of subsection (b) of such section (as redesignated by subsection (a) of this section) is amended to read as follows: "The treasurer of each political committee shall file with the Commission a statement of organization within ten days after the date on which the committee is organized.".

(c) The second sentence of such subsection (b) is amended by striking out "this Act" and inserting in lieu thereof the following: "the Federal Election Campaign Act Amendments of 1974".

(d) Subsection (c) of such section (as redesignated by subsection (a) of this section) is amended by—

(1) inserting "be in such form as the Commission shall prescribe, and shall" after "The statement of organization shall";

(2) striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the geographic area or political jurisdiction within which the committee will operate, and a general description of the committee's authority and activities;"; and

(3) striking out paragraph (9) and inserting in lieu thereof the following:

"(9) the name and address of the campaign depositories used by that committee, together with the title and number of each account and safety deposit box used by that committee at each depository, and the identification of each individual authorized to make withdrawals or payments out of such account or box;".

(e) The caption of such section 303 is amended by inserting "CANDIDATES AND" after "REGISTRATION OF".

CHANGES IN REPORTING REQUIREMENTS

SEC. 204. (a) Section 304 of the Federal Election Campaign Act of 1971 (relating to reports by political committees and candidates) is amended by—

(1) inserting "(1)" after "(a)" in subsection (a);

(2) striking out "for election" each place it appears in the first sentence of subsection (a) and inserting in lieu thereof in each such place "for nomination for election, or for election,";

(3) striking out the second sentence of subsection (a) and inserting in lieu thereof the following: "Such reports shall be filed on the tenth day of April, July, and October of each year, on the tenth day preceding an election, on the tenth day of December in the year of an election, and on the last day of January of each year. Notwithstanding the preceding sentence, the reports required by that sentence to be filed during April, July, and October by or relating to a candidate during a year in which no Federal election is held in which he is a candidate, may be filed on the twentieth day of each month.";

(4) striking out everything after "filing" in the third sentence of subsection (a) and inserting in lieu thereof a period and the following: "If the person making any anonymous contribution is subsequently identified, the identification of the contributor shall be reported to the Commission within the reporting period within which he is identified."; and

(5) adding at the end of subsection (a) the following new paragraph:

"(2) Upon a request made by a presidential candidate or a political committee which operates in more than one State, or upon its own motion, the Commission may waive the reporting dates (other than January 31) set forth in paragraph (1), and require instead that such candidates or political committees file reports not less frequently than monthly. The Commission may not require a presidential candidate or a political committee operating in more than one State to file more than eleven reports (not counting any report to be filed on January 31) during any calendar year. If the Commission acts on its own motion under this paragraph with respect to a candidate or a political committee, that candidate or committee may obtain judicial review in accordance with the provisions of chapter 7 of title 5, United States Code.".

(b)(1) Section 304(b) of such Act (relating to reports by political committees and candidates) is amended by striking "full name and mailing address (occupation and the principal place of business, if any)" in paragraphs (9) and (10) and inserting in lieu thereof in each such paragraph "identification".

(2) Subsection (b)(5) of such section 304 is amended by striking out "lender and endorsers" and inserting in lieu thereof "lender, endorsers, and guarantors".

(c) Subsection (b)(12) of such section is amended by inserting immediately before the semicolon a comma and the following: ", together with a statement as to the circumstances and conditions under which any such debt or obligation is extinguished and the consideration therefor".

(d) Subsection (b) of such section is amended by—

(1) striking the "and" at the end of paragraph (12); and

(2) redesignating paragraph (13) as (14), and by inserting after paragraph (12) the following new paragraph:

"(13) such information as the Commission may require for the disclosure of the nature, amount, source, and designated recipient of any earmarked, encumbered, or restricted contribution or other special fund; and".

(e) The first sentence of subsection (c) of such section is amended to read as follows: "The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, and during such additional periods of time as the Commission may require.".

(f) Such section 304 is amended by adding at the end thereof the following new subsections:

"(d) This section does not require a Member of Congress to report, as contributions received or as expenditures made, the value of photographic, matting, or recording services furnished to him before the first day of January of the year preceding the year in which his term of office expires if those services were furnished to him by the Senate Recording Studio, the House Recording Studio, or by any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives and who furnishes such services as his primary duty as an employee of the Senate or House of Representatives, or if such services were paid for by the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(e) Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Commission a statement containing the information required by this section. Statements required by this subsection shall be

filed on the dates on which reports by political committees are filed but need not be cumulative.".

(g) The caption of such section 304 is amended to read as follows:

"REPORTS".

CAMPAIGN ADVERTISEMENTS

SEC. 205. Section 305 of the Federal Election Campaign Act of 1971 (relating to reports by others than political committees) is amended to read as follows:

"REQUIREMENTS RELATING TO CAMPAIGN ADVERTISING

"SEC. 305. (a) No person shall cause any political advertisement to be published unless he furnishes to the publisher of the advertisement his identification in writing, together with the identification of any person authorizing him to cause such publication.

"(b) Each published political advertisement shall contain a statement, in such form as the Commission may prescribe, of the identification of the person authorizing the publication of that advertisement.

"(c) A publisher who publishes any political advertisement shall maintain such records as the Commission may prescribe for a period of two years after the date of publication setting forth such advertisement and any material relating to identification furnished to him in connection therewith, and shall permit the public to inspect and copy those records at reasonable hours.

"(d) No person who sells space in a newspaper or magazine to a candidate, or to the agent of a candidate, for use in connection with that candidate's campaign, may change any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

"(e) Each political committee shall include on the face or front page of all literature and advertisements soliciting contributions the following notice:

"'A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.'

"(f) As used in this section, the term—

"(1) 'political advertisement' means any matter advocating the election or defeat of any candidate but does not include any bona fide news story (including interviews, commentaries, or other works prepared for and published by any newspaper, magazine, or other periodical publication the publication of which work is not paid for by any candidate, political committee, or agent thereof);

"(2) 'published' means publication in a newspaper, magazine, or other periodical publication, distribution of printed leaflets, pamphlets, or other documents, or display through the use of any outdoor advertising facility, and such other use of printed media as the Commission shall prescribe.".

WAIVER OF REPORTING REQUIREMENTS

SEC. 206. Section 306(c) of the Federal Election Campaign Act of 1971 (relating to formal requirements respecting reports and statements) is amended to read as follows:

"(c) The Commission may, by a rule of general applicability which is published in the Federal Register not less than thirty day before its effective date, relieve—

"(1) any category of candidates of the obligation to comply personally with the requirements of subsections (a) through (e) of section 304, if it determines that such action is consistent with the purposes of this Act, and

"(2) any category of political committees of the obligation to comply with such section if such committees—

"(A) primarily support persons seeking State or local office, and

"(B) do not operate in more than one State or do not operate on a statewide basis.".

ESTABLISHMENT OF FEDERAL ELECTION COMMISSION; CENTRAL CAMPAIGN COMMITTEES; CAMPAIGN DEPOSITORIES

SEC. 207. (a) Title III of the Federal Election Campaign Act of 1971 (relating to disclosure of Federal campaign funds) is amended by redesignating section 308 as section 312, and by inserting after section 307 the following new sections:

"FEDERAL ELECTION COMMISSION

"SEC. 308. (a)(1) There is established, as an independent establishment of the executive branch of the Government of the United States, a commission to be known as the Federal Election Commission.

"(2) The Commission shall be composed of the Comptroller General, who shall serve without the right to vote, and seven members who shall be appointed by the President by and with the advice and consent of the Senate. Of the seven members—

"(A) two shall be chosen from among individuals recommended by the President pro tempore of the Senate, upon the recommendations of the majority leader of the Senate and the minority leader of the Senate; and

"(B) two shall be chosen from among individuals recommended by the Speaker of the House of Representatives, upon the recommendations of the majority leader of the House and the minority leader of the House.

The two members appointed under subparagraph (A) shall not be affiliated with the same political party; nor shall the two members appointed under subparagraph (B). Of the members not appointed under such subparagraphs, not more than two shall be affiliated with the same political party.

"(3) Members of the Commission, other than the Comptroller General, shall serve for terms of seven years, except that, of the members first appointed—

"(A) one of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for a term ending on the April thirtieth first occurring more than six months after the date on which he is appointed;

"(B) one of the members appointed under paragraph (2)(A) shall be appointed for a term ending one year after the April thirtieth on which the term of the member referred to in subparagraph (A) of this paragraph ends;

"(C) one of the members appointed under paragraph (2)(B) shall be appointed for a term ending two years thereafter;

"(D) one of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for a term ending three years therafter;

"(E) one of the members appointed under paragraph (2)(A) shall be appointed for a term ending four years thereafter;

"(F) one of the members appointed under paragraph (2)(B) shall be appointed for a term ending five years thereafter; and

"(G) one of the members not appointed under subparagraph (A) or (B) of paragraph (2) shall be appointed for a term ending six years thereafter.

"(4) Members shall be chosen on the basis of their maturity, experience, integrity, impartiality, and good judgment. A member may be reappointed to the Commission only once.

"(5) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he succeeds. Any vacancy occurring in the office of member of the Commission shall be filled in the manner in which that office was originally filled.

"(6) The Commission shall elect a Chairman and a Vice Chairman from among its members for a term of two years. The Chairman and the Vice Chairman shall not be affiliated with the same political party. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission. Four members of the Commission shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further leigslation as may appear desirable.

"(e) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers in any State.

"(f) The Commission shall appoint a General Counsel and an Executive Director to serve at the pleasure of the Commission. The General Counsel shall be the chief legal officer of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by rules or orders of the Commission. However, the Commission shall not delegate the making of rules regarding elections to the Executive Director.

"(g) The Chairman of the Commission shall appoint and fix the compensation of such personnel as are necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

"(h) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(i) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

"(j) The provisions of section 7324 of title 5, United States Code, shall apply to members of the Commission notwithstanding the provisions of subsection (d)(3) of such section.

"(k)(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

"(2) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation requested by the Congress or by any Member of Congress to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"POWERS OF COMMISSION

"SEC. 309. (a) The Commission has the power—

"(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe; and such submission shall be made within such a reasonable period of time and under oath or otherwise as the Commission may determine;

"(2) to administer oaths;

"(3) to require by subpena, signed by the Chairman or the Vice Chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

"(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

"(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

"(6) to initiate (through civil proceedings for injunctive relief and through presentations to Federal grand juries), prosecute, defend, or appeal any civil or criminal action in the name of the Commission for the purpose of enforcing the provisions of this Act and of sections 602, 608, 610, 611, 612, 613, 614, 615, 616, 617, and 618 of title 18, United States Code, through its General Counsel;

"(7) to delegate any of its functions or powers other than the power to issue subpenas under paragraph (3), to any officer or employee of the Commission; and

"(8) to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act.

"(b) Any United States district court within the jurisdiction of which any inquiry is carried on, may, upon petition by the Commission, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance therewith. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

"(c) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

"(d) Notwithstanding any other provision of law, the Commission shall be the primary civil and criminal enforcement agency for violations of the provisions of this Act, and of sections 602, 608, 610, 611, 612, 613, 614, 615, 616, 617, and 618 of title 18, United States Code. Any violation of any such provision shall be prosecuted by the Attorney General or Department of Justice personnel only after consultation with, and with the consent of, the Commission.

"(e)(1) Any person who violates any provision of this Act or of section 602, 608, 610, 611, 612, 613, 614, 615, 616, 617, or 618 of title 18, United States Code, may be assessed a civil penalty by the Commission under paragraph (2) of this subsection of not more than $10,000 for each such violation. Each occurrence of a violation of this Act and each day of noncompliance with a disclosure requirement of this title or an order of the Commission issued under this section shall constitute a separate offense. In determining the amount of the penalty the Commission shall consider the person's history of previous violations, the appropriateness of such penalty to the financial resources of the person charged, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation.

"(2) A civil penalty shall be assessed by the Commission by order only after the person charged with a violation has been given an opportunity for a hearing and the Commission has determined, by decision incorporating its findings of fact therein, that a violation did occur, and the amount of the penalty. Any hearing under this section shall be of record and shall be held in accordance with chapter 5 of title 5, United States Code.

"(3) If the person against whom a civil penalty is assessed fails to pay the penalty, the Commission shall file a petition for enforcement of its order assessing the penalty in any appropriate district court of the United States. The petition shall designate the person against whom the order is sought to be enforced as the respondent. A copy of the petition shall be sent by registered or certified mail to the respondent and his attorney of record, and thereupon the Commission shall certify and file in such court the record upon which such order sought to be enforced was issued. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order and decision of the Commission or it may remand the proceedings to the Commission for such further action as it may direct. The court may determine de novo all issues of law but the Commission's findings of fact, if supported by substantial evidence, shall be conclusive.

"(f) Upon application made by any individual holding Federal office, any candidate, or any political committee, the Commission, through its General Counsel, shall provide within a reasonable period of time an advisory opinion, as to whether a specific transaction or activity may constitute a violation of any provision of this Act or of any provision of title 18, United States Code, over which the Commission has primary jurisdiction under subsection (d).

"CENTRAL CAMPAIGN COMMITTEES

"SEC. 310. (a) Each candidate shall designate one political committee as his central campaign committee. A candidate for nomination for election, or for election, to the office of President, may also designate one political committee in each State in which he is a candidate as his State campaign committee for that State. The designation shall be made in writing, and a copy of the designation, together with such information as the Commission may require, shall be furnished to the Commission upon the designation of any such committee.

"(b) No political committee may be designated as the central campaign committee of more than one candidate, except that a political committee described in section 301(d)(2) may be designated as the central campaign committee of more than one candidate for purposes of the general election campaign and if so designated, it shall comply with all reporting and other requirements of law as to each candidate for whom it is so designated as if it were the central campaign committee for that candidate alone. The central campaign committee, and each State campaign committee, designated by a candidate nominated by a political party for election to the office of President shall be the central campaign committee and the State campaign committee of the candidate nominated by that party for election to the office of Vice President.

"(c)(1) Any political committee authorized by a candidate to accept contributions or make expenditures in connection with his campaign for nomination for election, or for election, which is not a central campaign committee or a State campaign committee, shall furnish each report required of it under section 304 (other than reports required under section 311(b)) to that candidate's central campaign committee at the time it would, but for this subsection, be required to furnish that report to the Commission. Any report properly furnished to a central campaign committee under this subsection shall be, for purposes of this title, considered to have been furnished to the Commission at the time at which it was furnished to such central campaign committee.

"(2) The Commission may, by rule, require any political committee receiving contributions or making expenditures in a State on behalf of a candidate who, under subsection (a), has designated a State campaign committee for that State to furnish its reports to that State campaign committee instead of furnishing such reports to the central campaign committee of that candidate.

"(3) The Commission may require any political committee to furnish any report directly to the Commission.

"(d) Each political committee which is a central campaign committee or a State campaign committee shall receive, consolidate, and furnish all reports filed with or furnished to it by other political committees to the Commission, together with its own reports and statements, in accordance with the provisions of this title and regulations prescribed by the Commission.

"CAMPAIGN DEPOSITORIES

"SEC. 311. (a)(1) Each candidate shall designate one or more National or State banks as his campaign depositories. The central campaign committee of that candidate, and any other political committee authorized by him to receive contributions or to make expenditures on his behalf, shall maintain a checking account at a depository designated by the candidate and shall deposit any contributions received by that committee into that account. A candidate shall deposit any payment received by him under section 506 of this Act in the account maintained by his central campaign committee. No expenditure may be made by any such committee on behalf of a candidate or to influence his election except by check drawn on that account, other than petty cash expenditures as provided in subsection (b).

"(2) The treasurer of each political committee (other than a political committee authorized by a candidate to receive contributions or to make expenditures on his behalf) shall designate one or more National or State banks as campaign depositories of that committee, and shall maintain a checking account for the committee at each such depository. All contributions received by that committee shall be deposited in such an account. No expenditure may be made by that committee except by check drawn on that account, other than petty cash expenditures as provided in subsection (b).

"(b) A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 to any person in connection with a single purchase or transaction. A record of petty cash disbursements shall be kept in accordance with requirements established by the Commission, and such statements and reports thereof shall be furnished to the Commission as it may require.

"(c) A candidate for nomination for election, or for election, to the office of President may establish one such depository in each State, which shall be considered by his State campaign committee for that State and any other political committee authorized by him to receive contributions or to make expenditures on his behalf in that State, under regulations prescribed by the Commission, as his campaign depository. The campaign depository of the candidate of a political party for election to the office of Vice President shall be the campaign depository designated by the candidate of that party for election to the office of President.".

(b)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(60) Members (other than the Comptroller General), Federal Election Commission (7)."

(2) Section 5315 of such title is amended by adding at the end thereof the following new paragraphs:

"(98) General Counsel, Federal Election Commission.

"(99) Executive Director, Federal Election Commission."

(c) Until the appointment and qualification of all the members of the Federal Election Commission and its General Counsel and until the transfer provided for in this subsection, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall continue to carry out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971 as such titles existed on the day before the date of enactment of this Act. Upon the appointment of all the members of the Commission and its General Counsel, the Comptroller General, the Secretary of the Senate, and the Clerk of the House of Representatives shall meet with the Commission and arrange for the transfer, within thirty days after the date on which all such members and the General Counsel are appointed, of all records, documents, memorandums, and other papers associated with carrying out their responsibilities under title I and title III of the Federal Election Campaign Act of 1971.

(d) Title III of the Federal Election Campaign Act of 1971 is amended by—

(1) amending section 301(g) (relating to definitions) to read as follows:

"(g) 'Commission' means the Federal Election Commission;";

(2) striking out "supervisory officer" in section 302(d) and inserting in lieu thereof "Commission";

(3) striking out section 302(f) (relating to organization of political committees);

(4) amending section 303 (relating to registration of political committees; statements) by—

(A) striking out "supervisory officer" each time it appears therein and inserting in lieu thereof "Commission"; and

(B) striking out "he" in the second sentence of subsection (b) of such section (as redesignated by section 203(a) of this Act) and inserting in lieu thereof "it";

(5) amending section 304 (relating to reports by political committees and candidates) by—

(A) striking out "appropriate supervisory officer" and "him" in the first sentence thereof and inserting in lieu thereof "Commission" and "it", respectively; and

(B) striking out "supervisory officer" where it appears in the third sentence of subsection (a)(1) (as redesignated by section 204(a)(1) of this Act) and in paragraphs (12) and (14) (as redesignated by section 204(d)(2) of this Act) of subsection (b) and inserting in lieu thereof "Commission";

(6) striking out "supervisory officer" each place it appears in section 306 (relating to formal requirements respecting reports and statements) and inserting in lieu thereof "Commission";

(7) striking out "Comptroller General of the United States" and "he" in section 307 (relating to reports on convention financing) and inserting in lieu thereof "Federal Election Commission" and "it", respectively;

(8) striking out "SUPERVISORY OFFICER" in the caption of section 312 (as redesignated by subsection (a) of this section) (relating to duties of the supervisory officer) and inserting in lieu thereof "COMMISSION";

(9) striking out "supervisory officer" in section 312(a) (as redesignated by subsection (a) of this section) the first time it appears and inserting in lieu thereof "Commission";

(10) amending section 312(a) (as redesignated by subsection (a) of this section) by—

(A) striking out "him" in paragraph (1) and inserting in lieu thereof "it";

(B) striking out "him" in paragraph (4) and inserting in lieu thereof "it"; and

(C) striking out "he" each place it appears in paragraphs (7) and (9) and inserting in lieu thereof "it";

(11) striking out "supervisory officer" in section 312(b) (as redesignated by subsection (a) of this subsection) and inserting in lieu thereof "Commission";

(12) amending subsection (c) of section 312 (as redesignated by subsection (a) of this section) by—

(A) striking out "Comptroller General" each place it appears therein and inserting in lieu thereof "Commission" and striking out "his" in the second sentence of such subsection and inserting in lieu thereof "its"; and

(B) striking out the last sentence thereof; and (13) amending subsection (d)(1) of section 312 (as redesignated by subsection (a) of this section) by—

(A) striking out "supervisory officer" each place it appears therein and inserting in lieu thereof "Commission";

(B) striking out "he" the first place it appears in the second sentence of such section and inserting in lieu thereof "it"; and

(C) striking out "the Attorney General on behalf of the United States" and inserting in lieu thereof "the Commission".

INDEXING AND PUBLICATION OF REPORTS

SEC. 208. Section 312(a) (6) (as redesignated by this Act) of the Federal Election Campaign Act of 1971 (relating to duties of the supervisory officer) is amended to read as follows:

"(6) to compile and maintain a cumulative index listing all statements and reports filed with the Commission during each calendar year by political committees and candidates which the Commission shall cause to be published in the Federal Register no less frequently than monthly during even-numbered years and quarterly in odd-numbered years and which shall be in such form and shall include such information as may be prescribed by the Commission to permit easy identification of each statement, report, candidate, and committee listed, at least as to their names, the dates of the statements and reports, and the number of pages in each, and the Commission shall make copies of statements and reports listed in the index available for sale, direct or by mail, at a price determined by the Commission to be reasonable to the purchaser;".

JUDICIAL REVIEW

SEC. 209. Title III of the Federal Election Campaign Act of 1971 is amended by inserting after section 312 (as redesignated by this Act) the following new section:

"JUDICIAL REVIEW

"SEC. 313. (a) An agency action by the Commission made under the provisions of this Act shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by an interested person. A petition filed pursuant to this section shall be filed within thirty days after the agency action by the Commission for which review is sought.

"(b) The Commission, the national committee of any political party, and individuals eligible to vote in an election for Federal office, are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement any provision of this Act.

"(c) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551 of title 5, United States Code, by the Commission.

FINANCIAL ASSISTANCE TO STATES TO PROMOTE COMPLIANCE

SEC. 210. Section 309 of the Federal Election Campaign Act of 1971 (relating to statements filed with State officers) is redesignated as section 314 of such Act and amended by—

(1) striking out "a supervisory officer" in subsection (a) and inserting in lieu thereof "the Commission";

(2) striking out "in which an expenditure is made by him or on his behalf" in subsection (a)(1) and inserting in lieu thereof the following: "in which he is a candidate or in which substantial expenditures are made by him or on his behalf"; and

(3) adding the following new subsection:

"(c) There is authorized to be appropriated to the Commission in each fiscal year the sum of $500,000, to be made available in such amounts as the Commission deems appropriate to the States for the purpose of assisting them in complying with their duties as set forth in this section.".

CONTRIBUTIONS IN THE NAME OF ANOTHER PERSON

SEC. 211. Section 310 of the Federal Election Campaign Act of 1971 (relating to prohibition of contributions in name of another) is redesignated as section 315 of such Act and amended by inserting after "another person", the first time it appears, the following: "or knowingly permit his name to be used to effect such a contribution".

ROLE OF POLITICAL PARTY ORGANIZATION IN PRESIDENTIAL CAMPAIGNS; USE OF EXCESS CAMPAIGN FUNDS; AUTHORIZATION OF APPROPRIATIONS; PENALTIES

SEC. 212. Title III of the Federal Election Campaign Act of 1971 is amended by striking out section 311 and by adding at the end of such title the following new sections:

"APPROVAL OF PRESIDENTIAL CAMPAIGN EXPENDITURES BY NATIONAL COMMITTEE

"SEC. 316. (a) No expenditure in excess of $1,000 shall be made by or on behalf of a candidate who has received the nomination of his political party for President or Vice President unless such expenditure has been specifically approved by the chairman or treasurer of that political party's national committee or the designated representative of that national committee in the State where the funds are to be expended.

"(b) Each national committee approving expenditures under subsection (a) shall register under section 303 as a political committee and report each expenditure it approves as if it had made that expenditure, together with the identification of the person seeking approval and making the expenditure.

"(c) No political party shall have more than one national committee.

"USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

"SEC. 317. Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures (after the application of section 507(b)(1) of this Act), and any other amounts contributed to an individual for the purpose of supporting his activities as a holder of Federal office, may be used by that candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred by him in connection with his duties as a holder of Federal office, or may be contributed by him to any organization described in section 170(c) of the Internal Revenue Code of 1954. To the extent any such contribution, amount contributed, or expenditure thereof is not otherwise required to be disclosed under the provisions of this title, such contribution, amount contributed, or expenditure shall be fully disclosed in accordance with rules pro-

mulgated by the Commission. The Commission is authorized to promulgate such rules as may be necessary to carry out the provisions of this section.

"SUSPENSION OF FRANK FOR MASS MAILINGS IMMEDIATELY BEFORE ELECTIONS

"SEC. 318. Notwithstanding any other provision of law, no Senator, Representative, Resident Commissioner, or Delegate shall make any mass mailing of a newsletter or mailing with a simplified form of address under the frank under section 3210 of title 39, United States Code, during the sixty days immediately preceding the date on which any election is held in which he is a candidate.

"PROHIBITION OF FRANKED SOLICITATIONS

"SEC. 319. No Senator, Representative, Resident Commissioner, or Delegate shall make any solicitation of funds by a mailing under the frank under section 3210 of title 39, United States Code.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 320. There are authorized to be appropriated to the Commission for the purpose of carrying out its functions under this title, title V, and under chapter 29 of title 18, United States Code, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, and not to exceed $5,000,000 for each fiscal year thereafter.

"PENALTY FOR VIOLATIONS

"SEC. 321. (a) Violation of any provision of this title is a misdemeanor punishable by a fine of not more than $10,000, imprisonment for not moe than one year, or both.

"(b) Violation of any provision of this title with knowledge or reason to know that the action committed or omitted is a violation of this title is punishable by a fine of not more than $100,000, imprisonment for not more than five years, or both.".

APPLICABLE STATE LAWS

SEC. 213. Section 403 of the Federal Election Campaign Act of 1971 is amended to read as follows:

"EFFECT ON STATE LAW

"SEC. 403. The provisions of this Act, and of rules promulgated under this Act, preempt any provision of State law with respect to campaigns for nomination for election, or for election, to Federal office (as such term is defined in section 301(c)).".

EXPEDITIOUS REVIEW OF CONSTITUTIONAL QUESTIONS

SEC. 214. Title IV of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new section:

"JUDICIAL REVIEW

"SEC. 407. (a) The Federal Election Commission, the national committee of any political party, and individuals eligible to vote for President are authorized to insititute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this Act or of chapter 29 of title 18, United States Code. The district court shall immediately certify all questions of constitutionality of this Act to the United States court of appeals for that circuit, which shall hear the matter sitting en banc.

"(b) Notwithstanding any other provision of law or rule any decision on a matter certified under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal must be brought within twenty days of the court of appeals decision.

"(c) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any question certified under subsection (a)."

TITLE III—CRIMES RELATING TO ELECTIONS AND POLITICAL ACTIVITIES

CHANGES IN DEFINITIONS

SEC. 301. (a) Paragraph (a) of section 591 of title 18, United States Code, is amended by—

(1) inserting "or" before "(4)"; and

(2) striking out ", and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States."

(b) Such section 591 is amended by striking out paragraph (d) and inserting in lieu thereof the following:

"(d) 'political committee' means—

"(1) any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(2) any national committee, association, or organization of a political party, any State affiliate or subsidiary of a national political party, and any State committee of a political party; and

"(3) any committee, association, or organization engaged in the administration of a separate segregated fund described in section 610;".

(c) Such section 591 is amended by—

(1) inserting in paragraph (e)(1) after "subscription" the following: "(including any assessment, fee, or membership dues)";

(2) striking out in such paragraph "or for the purpose of influencing the election of delegates to a consistutional convention for proposing amendments to the Constitution of the United States" and inserting in lieu thereof the following: "or for the purpose of financing any operations of a political committee, or for the purpose of paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office";

(3) striking out subparagraph (2) of paragraph (e), and amending subparagraph (3) of such paragraph to read as follows:

"(2) funds received by a political committee which are transferred to that committee from another political committee;"; and

(4) redesignating subparagraphs (4) and (5) of paragraph (e) as paragraphs (3) and (4), respectively.

(d) Such section 591 is amended by striking out paragraph (f) and inserting in lieu thereof the following:

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan (except a loan of money by a National or State bank made in accordance with the applicable banking laws and regulations, and in the ordinary course of business), advance, deposit, or gift of money or anything of value, made for the purpose of—

"(A) influencing the nomination for election, or the election, of any person to Federal office, or to the office of Presidential and Vice-Presidential elector;

"(B) influencing the result of a primary election held for the selection of delegates to a national nominating convention of a political party for the expression of a preference for the nomination of persons for elections to the Office of President;

"(C) financing any operations of a political committee; or

"(D) paying, at any time, any debt or obligation incurred by a candidate or a political committee in connection with any campaign for nomination for election, or for election, to Federal office; and

"(2) the transfer of funds by a political committee to another political committee; but

"(3) does not include the value of service rendered by individuals who volunteer to work without compensation on behalf of a candidate;".

(e) Such section 591 is amended by striking out "and" at the end of paragraph (g), striking out "States." in paragraph (h) and inserting in lieu thereof "States;", and by adding at the end thereof the following new paragraphs:

"(i) 'political party' means any association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of that association, committee, or organization;

"(j) 'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of that political party at the State level, as determined by the Federal Election Commission; and

"(k) 'national committee' means the organization which, by virtue of the bylaws of the political party, is responsible for the day-to-day operation of that political party at the national level as determined by the Federal Election Commission under section 301(k) of the Federal Election Campaign Act of 1971.".

EXPENDITURE OF PERSONAL AND FAMILY FUNDS FOR FEDERAL CAMPAIGNS

SEC. 302. (a)(1) Subsection (a)(1) of section 608 of title 18, United States Code, is amended to read as follows:

"(a)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaigns for nomination for election, and for election, to Federal office in excess, in the aggregate during any calendar year, of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.".

(2) Subsection (a) of such section is amended by adding at the end thereof the following new paragraphs:

"(3) No candidate or his immediate family may make loans or advances from their personal funds in connection with his campaign for nomination for election, or election, to Federal office unless such loan or advance is evidenced by a written instrument fully disclosing the terms and conditions of such loan or advance.

"(4) For purposes of this subsection, any such loan or advance shall be included in computing the total amount of such expenditures only to the extent of the balance of such loan or advance outstanding and unpaid."

(b) Subsection (c) of such section is amended by striking out "$1,000" and inserting in lieu thereof "$25,000", and by striking out "one year" and inserting in lieu thereof "five years".

(c)(1) The caption of such section 608 is amended by adding at the end thereof the following: "out of the candidates' personal and family funds".

(2) The table of sections for chapter 29 of title 18, United States Code, is amended by striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures out of candidates' personal and family funds.".

(d) Notwithstanding the provisions of section 608 of title 18, United States Code, it shall not be unlawful for any individual who, as of the date of enactment of this Act, has outstanding any debt or obligation incurred on his behalf by any political committee in connection with his campaign prior

to January 1, 1972, for nomination for election, and for election, to Federal office, to satisfy or discharge any such debt or obligation out of his own personal funds or the personal funds of his immediate family (as such term is defined in such section 608).

SEPARATE SEGREGATED FUND MAINTENANCE BY GOVERNMENT CONTRACTORS

SEC. 303. Section 611 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is not a violation of the provisions of this section for a corporation or a labor organization to establish, administer, or solicit contributions to a separate segregated fund to be utilized for political purposes by that corporation or labor organization if the establishment and administration of, and solicitation of contributions to, such fund are not a violation of section 610.".

LIMITATIONS ON POLITICAL CONTRIBUTIONS AND EXPENDITURES; EMBEZZLEMENT OR CONVERSION OF CAMPAIGN FUNDS; EARLY DISCLOSURE OF PRESIDENTIAL ELECTION RESULTS

SEC. 304. (a) Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 614. Limitation on expenditures generally

"(a)(1) No candidate may make expenditures in connection with his campaign for nomination for election, or for election, to Federal office in excess of the amount to which he would be limited under section 504 of the Federal Election Campaign Act of 1971 if he were receiving payments under the title V of that Act.

"(2) Expenditures made on behalf of any candidate are, for the purposes of this section, considered to be made by such candidate.

"(3) Expenditures made by or on behalf of any candidate for the office of Vice President of the United States are, for the purposes of this section, considered to be made by the candidate for the office of President of the United States with whom he is running.

"(4) For purposes of this subsection, an expenditure is made on behalf of a candidate, including a Vice Presidential candidate, if it is made by—

"(A) an authorized committee or any other agent of the candidate for the purposes of making any expenditure, or

"(B) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate to make the expenditure.

"(5) The Federal Election Commission shall prescribe regulations under which any expenditure by a candidate for Presidential nomination for use in two or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

"(b)(1) Notwithstanding any other provisions of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committees of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2) and (3) hereof.

"(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President who is affiliated with that party which exceeds an amount equal to 2 cents multiplied by the voting population of the United States.

"(3) The national committee of a political party, or a State committee of a political party, including any subordinate committees of a State committee, may not make expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with that party which exceeds—

"(A) in the case of a candidate for election to the office of Senator, or of Representative from a State where a Representative is required to run statewide, the greater of—

"(i) 2 cents multiplied by the voting age population of that State, or

"(ii) $20,000; and

"(B) in the case of a candidate for election to the office of Representative in any other State, $10,000.

"(4) For purposes of this subsection—

"(A) the term 'voting age population' means voting age population certified for the year under section 504(g) of the Federal Election Campaign Act of 1971; and

"(B) the approval by the national committee of a political party of an expenditure by or one behalf of the presidential candidate of that party as required by section 316 of that Act is not considered an expenditure by that national committee.

"(c)(1) No person may make any expenditure (other than an expenditure made on behalf of a candidate under the provisions of subsection (a)(4) advocating the election or defeat of a clearly identified candidate during a calendar year which, when added to all other expenditures made by that person during the year advocating the election or defeat of that candidate, exceeds $1,000.

"(2) For the purposes of paragraph (1)—

"(A) 'clearly identified' means—

"(i) the candidate's name appears;

"(ii) a photograph or drawing of the candidate appears; or

"(iii) the identity of the candidate is apparent by unambiguous reference;

"(B) 'person' does not include the national or State committee of a political party; and

"(C) 'expenditure' does not include any payment made or incurred by a corporation or a labor organization which, under the provisions of the last paragraph of section 610 would not constitute an expenditure by that corporation or labor organization.

"(3) This subsection does not apply to the Democratic or Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(d) Any person who knowingly or willfully violates the provisions of this section, other than subsection (a)(5), shall be punishable by a fine of $25,000, imprisonment for a period of not more than five years, or both. If any candidate is convicted of violating the provisions of this section because of any expenditure made on his behalf (as determined under subsection (a)(4)) by a political committee, the treasurer of that committee, or any other person authorizing such expenditure, shall be punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years, or both, if such person knew, or had reason to know, that such expenditure was in excess of the limitation applicable to such candidate under this section.

"§ 615. Limitations on contributions

"(a)(1) No individual may make a contribution to, or for the benefit of, a candidate for that candidate's campaign for election, which, when added to the sum of all other contributions made by that individual for that campaign, exceeds $3,000.

"(2) No person (other than an individual) may make a contribution to, or for the benefit of, a candidate for nomination for election, or election, which, when added to the sum of all other contributions made by that person for that campaign, exceeds $6,000.

"(b)(1) No candidate may knowingly accept a contribution for his campaign from any individual which, when added to the sum of all other contributions received from that individual for that campaign exceeds $3,000, or from any person (other than an individual) which, when added to the sum of all other contributions received from that person for that campaign, exceeds $6,000.

"(2) (A) No candidate may knowingly solicit or accept a contribution for his campaign—

"(i) from a foreign national, or

"(ii) which is made in violation of section 613 of this title.

"(B) For purposes of this paragraph, the term 'foreign national' means—

"(i) a 'foreign principal' as that term is defined in section 611(b) of the Foreign Agents Registration Act of 1938, as amended, other than a person who is a citizen of the United States; or

"(ii) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined in section 101(a) (20) of the Immigration and Nationality Act".

"(3) No officer or employee of a political committee or of a political party may knowingly accept any contribution made for the benefit or use of a candidate which that candidate could not accept under paragraph (1) or (2).

"(c)(1) For purposes of the limitations contained in this section all contributions made by any person directly or indirectly to or for the benefit of a particular candidate, including contributions which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate, shall be treated as contributions from that person to that candidate.

"(2) Contributions made to, or for the benefit of, a candidate nominated by a political party for election to the office of Vice President shall be considered, for purposes of this section, to be made to, or for the benefit of, the candidate nominated by that party for election to the office of President.

"(3) For purposes of this section, the term 'campaign' includes all primary, primary runoff, and general election campaigns related to a specific general election, and all primary, primary runoff, and special election campaigns related to a specific special election.

"(d)(1) No individual may make a contribution during any calendar year which, when added to the sum of all other contributions made by that individual during that year, exceeds $25,000.

"(2) Any contribution made for a campaign in a year, other than the calendar year in which the election is held to which that campaign relates, is, for purposes of paragraph (1), considered to be made during the calendar year in which that election is held.

"(e) This section does not apply to contributions made by the Democratic or Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee.

"(f) Violation of the provisions of this section is punishable by a fine of not to exceed $25,000, imprisonment for not to exceed five years, or both.

"§ 616. Form of contributions

No person may make a contribution to, or for the benefit of, any candidate or political committee in excess, in the aggregate during any calendar year, of $100 unless such contribution is made by a written instrument identifying the person making the contribution. Violation of the provisions of this section is punishable by a fine of not to exceed $1,000, imprisonment for not to exceed one year, or both.

"§ 617. Embezzlement or conversion of political contributions

agent of a political

"(a) No candidate, officer, employee, or agent of a political committee, or person acting on behalf of any candidate or political committee, shall embezzle, knowingly con-

vert to his own use or the use of another, or deposit in any place or in any manner except as authorized by law, any contributions or campaign funds entrusted to him or under his possession, custody, or control, or use any campaign funds to pay or defray the costs of attorney fees for the defense of any person or persons charged with the commission of a crime; or receive, conceal, or retain the same with intent to convert it to his personal use or gain, knowing it to have been embezzled or converted.

"(b) Violation of the provisions of this section is punishable by a fine of not more than $25,000, imprisonment for not more than ten years, or both; but if the value of such property does not exceed the sum of $100 fine, the fine shall not exceed $1,000 and the imprisonment shall not exceed one year. Notwithstanding the provisions of this section, any surplus or unexpended campaign funds may be contributed to a national or State political party for political purposes, or to educational or charitable organizations, or may be preserved for use in future campaigns for elective office, or for any other lawful purpose.

"§ 618. Voting fraud

"(a) No person shall in a Federal election—

"(1) cast, or attempt to cast, a ballot in the name of another person,

"(2) cast, or attempt to cast, a ballot if he is not qualified to vote,

"(3) forge or alter a ballot,

"(4) miscount votes,

"(5) tamper with a voting machine, or

"(6) commit any act (or fail to do anything required of him by law),

with the intent of causing an inaccurate count of lawfully cast votes in any election.

"(b) A violation of the provisions of subsection (a) is punishable by a fine of not to exceed $100,000, imprisonment for not more than ten years, or both.

"§ 619. Early disclosure of election results in Presidential election years

"Whoever makes public any information with respect to the number of votes cast for any candidate for election to the office of Presidential and Vice-Presidential elector in the general election held for the appointment of Presidential electors, prior to midnight, eastern standard time, on the day on which such election is held shall be fined not more than $5,000, imprisoned for not more than one year, or both.

"§ 620. Fraudulent misrepresentation of campaign authority

"Whoever, being a candidate for Federal office, as defined herein, or an employee or agent of such a candidate—

"(1) fraudulently misrepresents himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

"(2) willfully and knowingly participates in or conspires to participate in any plan, scheme, or design to violate paragraph (a) hereof, shall, for each such offense, be fined not more than $50,000 or imprisoned not more than five years or both."

(b) Section 591 of title 18, United States Code, is amended by striking out "and 611" and inserting in lieu thereof "611, 614, 615, 616, 617, 618, and 619".

(c) The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"614. Limitation on expenditures generally.
"615. Limitation on contributions.
"616. Form of contributions.
"617. Embezzlement or conversion of political contributions.
"618. Voting fraud.
"619. Early disclosure of election results in Presidential election years.
"620. Fraudulent misrepresentation of campaign authority.".

REPEAL OF CERTAIN EXCEPTIONS TO CONTRIBUTION AND EXPENDITURE LIMITATIONS

SEC. 305. Section 614(c)(3) of title 18, United States Code (as added by section 304 of this Act), and section 615(e) of such title (as added by section 304 of this Act) (relating to the application of such sections to certain campaign committees) are repealed. Section 615 of title 18, United States Code (as added by section 304 of this Act), is amended by striking out "(f)" and inserting in lieu thereof "(e)".

TITLE IV—DISCLOSURE OF FINANCIAL INTERESTS BY CERTAIN FEDERAL OFFICERS AND EMPLOYEES

FEDERAL EMPLOYEE FINANCIAL DISCLOSURE REQUIREMENTS

SEC. 401. (a) Any candidate for nomination for or election to Federal office who, at the time he becomes a candidate, does not occupy any such office, shall file within one month after he becomes a candidate for such office, and each Member of Congress, each officer and employee of the United States (including any member of a uniformed service) who is compensated at a rate in excess of $25,000 per annum, any individual occupying the position of an officer or employee of the United States who performs duties of the type generally performed by an individual occupying grade GS–16 of the General Schedule or any higher grade or position (as determined by the Federal Election Commission regardless of the rate of compensation of such individual), the President, and the Vice President shall file annually, with the Commission a report containing a full and complete statement of—

(1) the amount of each tax paid by the individual, or by the individual and the individual's spouse filing jointly, for the preceding calendar year, and for purposes of this paragraph "tax" means any Federal, State, or local income tax and any Federal, State, or local property tax;

(2) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

(3) the identity of each asset held by him, or by him and his spouse jointly which has a value in excess of $1,000, and the amount of each liability owed by him or by him and his spouse jointly, which is in excess of $1,000 as of the close of the preceding calendar year;

(4) any transactions in securities of any business entity by him or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in transactions in the securities of such business entity exceeds $1,000 during such year;

(5) all transactions in commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in such transactions exceeds $1,000; and

(6) any purchase or sale, other than the purchase or sale of his personal residence, of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year if the value of property involved in such purchase or sale exceeds $1,000.

(b) Reports required by this section (other than reports so required by candidates for nomination for or election to Federal office) shall be filed not later than May 15 of each year. A person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Commission may prescribe.

(c) Reports required by this section shall be in such form and detail as the Commission may prescribe. The Commission may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

(d) Any person who willfully fails to file a report required by this section or who knowingly and willfully files a false report under this section, shall be fined not more than $2,000, or imprisoned for not more than five years, or both.

(e) All reports filed under this section shall be maintained by the Commission as public records, which, under such reasonable rules as it shall prescribe, shall be available for inspection by members of the public.

(f) For the purposes of any report required by this section, an individual is considered to be President, Vice President, a Member of Congress, an officer or employee of the United States, or a member of a uniformed service, during any calendar year if he serves in any such position for more than six months during such calendar year.

(g) As used in this section—

(1) The term "income" means gross income as defined in section 61 of the Internal Revenue Code of 1954.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act (7 U.S.C. 2).

(4) The term "transactions in securities or commodities" means any acquisition, holding, withholding, use, transfer, or other disposition involving any security or commodity.

(5) The term "Member of Congress" means a Senator, a Representative, a Resident Commissioner, or a Delegate.

(6) The term "officer" has the same meaning as in section 2104 of title 5, United States Code.

(7) The term "employee" has the same meaning as in section 2105 of such title.

(8) The term "uniformed service" means any of the Armed Forces, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration.

(9) The term "immediate family" means the child, parent, grandparent, brother, or sister of an individual, and the spouses of such persons.

(h) Section 554 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) All written communications and memorandums stating the circumstances, source, and substance of all oral communications made to the agency, or any office or employee thereof, with respect to any ad-

judication which is subject to the provisions of this section by any person who is not an officer or employee of the agency shall be made a part of the public record of such case. This subsection shall not apply to communications to any officer, employee, or agent of the agency engaged in the performance of investigative or prosecuting functions for the agency with respect to such case."

(i) The first report required under this section shall be due thirty days after the date of enactment and shall be filed with the Comptroller General of the United States, who shall, for purposes of this subsection, have the powers and duties conferred upon the Commission by this section.

TITLE V—MISCELLANEOUS

SIMULTANEOUS POLL CLOSING TIME

SEC. 501. On every national election day, commencing on the date of the national elections in 1976, the closing time of the polling places in the several States for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 postmeridian standard time in the eastern time zone; 10 postmeridian standard time in the central time zone; 9 postmeridian standard time in the mountain time zone; 8 postmeridian standard time in the Pacific time zone; 7 postmeridian standard time in the Alaskan time zone; 6 postmeridian standard time in the Alaska-Hawaii time zone; and 5 postmeridian standard time in the Bering time zone: *Provided,* That the polling places in each of the States shall be open for at least twelve hours.

FEDERAL ELECTION DAY

SEC. 502. Section 6103(a) of title 5, United States Code is amended by inserting between—

"Veterans Day, the fourth Monday in October." and the following new item:

"Thanksgiving Day, the fourth Thursday in November." the following new item:

"Election Day, the first Wednesday next after the first Monday in November 1976, and every second year thereafter.".

REVIEW OF INCOME TAX RETURNS

SEC. 503. (a) On or before July 1 of each and every year hereafter, the Comptroller General of the United States shall obtain from the Internal Revenue Service all returns of income filed by each Member of Congress, each employee or official of the executive, judicial, and legislative branch whose gross income for the most recent year exceeds $[illegible]000 for the five previous years. Upon receipt of such returns, the Comptroller General of the United States shall submit such income returns to an intensive inspection and audit for the purpose of determining liability.

(b) Upon completion of such inspection and audit, the Comptroller General of the United States shall prepare and file a report of the results of his inspection and audit with the taxpayer concerned and the appropriate officer of the Internal Revenue Service for such further action with respect to such return as the Internal Revenue Service shall deem proper. The Comptroller General of the United States shall deliver a copy of such report and results of such audit and inspection to the taxpayer concerned.

(c) The Internal Revenue Service shall asisst the Comptroller General of the United States as necessary in administering the provisions of this section.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make such technical and clerical corrections in the engrossment of the bill, S. 3044, including changes in the designation of titles, sections, and subsections and cross-references thereto, as may be necessary to reflect any changes in the bill made by amendments adopted by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PRINT S. 3044 AS PASSED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 3044, a bill to amend the Federal Election Campaign Act of 1971, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, the Senate has demonstrated a genuine interest in true election reform by the adoption of the Federal Election Campaign Act of 1974.

Not only has the Senate agreed to set reasonable limitations on contributions by individuals and committees, but also strict limits on expenditures by candidates in primary and general elections.

Further, the Senate has agreed to provide Federal funds in primary elections on a matching grant basis and with full funding in general elections.

Candidates have the option under the bill S. 3044 to raise private funds for each election or to accept public funds in whole or in part.

With a strong and independent Federal Election Commission; with central campaign committees; with campaign depositories and timely and full disclosure of all receipts and expenditures, we have attempted to eliminate all weaknesses in the bill and the citizens of the United States will be encouraged to restore their confidence in the elective process.

Mr. President, I wish to commend my colleagues for their support in gaining passage of this bill.

And I wish to thank all of the staff members who worked with the Committee and the Senate in bringing about final passage:

Jim Duffy, Joe O'Leary, and Jim Medill, of the Committee on Rules and Administration.

Lloyd Ator and Bob Cassidy legislative counsel.

Cary Parker of Senator KENNEDY's staff.

Burt Wides of Senator HART's staff.

Ken Davis, assistant to the minority leader, and many others who gave of their time and efforts.

Mr. CHILES. Mr. President, I voted for final passage of S. 3044, the Federal election campaign financing bill. Although I was not completely satisfied with all of the features of this legislation I felt the time for change from the old way was due.

We must move away from an atmosphere of influencing Government decisions affecting the daily lives of our citizens from the prices they pay to the quality of their lives.

I believe that one of the crucial factors determining whether or not we consider a government democratic is not how much power the public officials have, but rather how public officials secure and retain their offices. Events surrounding the last general election have been and will, no doubt, continue to be examined and investigated in an effort to determine the source of enormous amounts of campaign moneys. Coupled with these investigations are repeated cries for reform, for changes in the law concerning campaign financing. And surely some changes are in order.

Mr. President, I do not think anyone can provide a simple answer to the question, "Does money win elections?" It is undeniable that money does play a major role in winning. It does not guarantee victory, but the amount of money collected and spent can in some cases be decisive. Money cannot totally obliterate the influence of issues and candidates' party orientation on voting decisions, but it can and often does make a difference.

No longer should ambassadorships be given as a basis of huge campaign contributions nor should decisions for milk supports be swayed by political contributions.

Some Americans view public policymaking as a sordid process where the wealthy control elected officials. And while there is some corruption, I believe its reputation for moving the wheels of government is far greater than its performance. But money can twist policy in subtle ways—and any effort we can make to erect a barrier between the direct translation of money into policy decisions must be made.

After weeks of debate on this bill and amendments to it, I felt the Senate has made a close examination of the concept of specific proposals for public financing. While I wish the tax checkoff system would adequately provide funds for this approach, I am convinced that it will not and I am now ready to vote for and approve the spending of other tax dollars to finance Presidential campaigns.

Public financing of congressional elections needs additional consideration, however. It is my understanding that the feeling in the House of Representatives is such that little—if any—public financing of congressional elections will be accepted. For now, this may be just as well, for if I had to draft a public financing bill for congressional elections that would be fair and workable, I am not sure that I could. However, I did support an effort by Senator STEVENSON to allow a partial funding of congressional elections without going the entire way.

The purpose of public financing is to eliminate the large and potentially corrupting contributions of big money from our politics. This amendment would have accomplished that purpose but it would not have eliminated the innocent, small contributions which are a healthy form of participation in our political system.

This amendment would have limited the campaign contributions of individuals to Federal campaigns to $3,000 in primaries and $3,000 in general election campaigns. In that respect, it did not

alter the provisions of the bill reported by the Rules Committee.

It would also have limited the contributions of committees to $6,000, which could be allocated between a general election campaign and a primary election campaign as the committee sees fit.

It established a system of partial public financing as opposed to the 100 percent public financing which is established in the bill reported by the Rules Committee. Instead of 100-percent, public financing, congressional candidates would have received a front-end subsidy 25 percent of the expenditure limit applicable to congressional campaigns. In addition, private contributions of $100 or less would have been matched with public funds on a dollar-for-dollar basis.

When I was thinking about running for the Senate, I discovered I was not going to be able to raise a large war chest to finance my campaign. So, I had to run a different kind of campaign that was less expensive than the conventional way. During my walk through Florida, I talked with thousands of people who were encouraged by this kind of campaign; one of the primary reasons was that my campaign was not costing huge sums of money.

In sum, I voted for this bill even though it contained the large funding for congressional elections because I believe the public funding concept is vitally important. Even though I am not satisfied with the congressional funding provisions, I feel this legislation should be sent to the House for their consideration.

To vote against this legislation would be a signal that I am against public funding of Presidential elections. I feel this part of the legislation is absolutely necessary and vital. I hope that the House will favorably consider plans for public funding of Presidential elections and begin some efforts toward public funding on congressional races so at least we may have a plan in this area to move with.

TRIBUTE TO SENATORS ON PASSAGE OF CAMPAIGN REFORM

Mr. MANSFIELD. Mr. President, I wish to pay well-deserved tribute to the many Senators who were responsible for this magnificent achievement—one of the most significant reform proposals that in my judgment has passed the Senate. What it says fundamentally is that public officials will answer first and last to the public and not to this or that special interest group. It is an essential step that must be taken to restore public faith and confidence in the institutions of Government. I am proud, indeed, of the Senate's great initiative on this issue.

Senator CANNON, the distinguished chairman of the Committee on Rules deserves the highest commendation for his leadership and devotion. So, too, does Senator COOK. They joined in cooperative efforts to handle this most important proposal and they assumed the task with the greatest skill and ability.

The Senator from California (Mr. CRANSTON) deserves praise for his many outstanding efforts to assure this success His work in behalf of public election reform indeed was indispensable. The same may be said of the efforts of Senator KENNEDY, Senator PELL, and the many others whose inititiative started this process some time ago.

I was particularly impressed with the leadership of the able Republican leader (Mr. HUGH SCOTT) without whose efforts a measure as effective as this could not have been possible. And to Senator BROCK, Senator CLARK, Senator STEVENSON, Senator BAKER, Senator ALLEN, and the many others who joined with statements, with amendments, and with viewpoints, we are especially indebted for providing a debate and discussion of the highest order.

All in all, the Senate may take great pride in this achievement.

Mr. KENNEDY. Mr. President, the final passage, achieved today, of the legislation for campaign reform and public financing of elections is one of the finest hours of the Senate in this or any other Congress.

Most, if not all, of the things that are wrong with government today have their roots in the way we finance campaigns for public office. The corrosive influence of private money in public life is the primary cause of the lack of responsiveness of government to the people.

Now, through public financing, we can change all that. Once public financing is signed into law, it will begin to have an immensely salutary effect on every dimension of government, as it sends ripples through every issue with which Congress and the administration have to deal.

At least, the stranglehold of wealthy campaign contributors and special interest groups on the election process will be broken, and democracy will be the winner. Only when all the people pay for elections will all the people be truly represented by their Government.

No one believes that public financing is a panacea for America's every social ill. What we do believe is that it is the nation's preeminent reform, the reform that must lead all the rest if we are serious about bringing integrity back to government and giving fair, honest, and clean elections to the people.

Long before Watergate, we knew about the problem. Now, because of Watergate, we have gained the strength to solve it. By voting for public financing, we are telling the Nation that the day of the dollar in public financing is over, that elective office is no longer for sale to the highest private bidder.

Rarely has the Senate sent so clear a message to every citizen. I praise MIKE MANSFIELD, HUGH SCOTT, ROBERT BYRD, HOWARD CANNON, ALAN CRANSTON, and all the other Senators and public interest groups, especially Common Cause and the Center for Public Financing, who did so much to bring this legislation to the Senate floor, to win the fight for cloture, and to make this victory possible.

Finally, Mr. President, I do not think we should close this particular chapter of the campaign financing effort of the Senate without recognition of the special contributions by many Members of this body who worked so hard in this important area.

As one who has been interested in this issue for some time, I wish to express great admiration for the work done by the manager of the bill, the distinguished Senator from Nevada (Mr. CANNON) and his able staff. He has been on the floor continuously these past 3 weeks, available for discussion and debate on the extremely complex and difficult issues posed in this legislation. I think he has done a brilliant job. All the members of the Committee on Rules and Administration are to be commended, and the staff is also to be commended for their extraordinary efforts.

I also praise the especially important role played by the Senate leadership. The distinguished majority leader (Mr. MANSFIELD), the distinguished Republican leader (Mr. HUGH SCOTT), and the distinguished Democratic whip (Mr. ROBERT C. BYRD) were the keys to the successful struggle for cloture this week. Without their effort, we could not have won today. We could not have obtained cloture or been successful in passing this legislation if we had not had the very strong leadership that the three of them provided, not only in rounding up the votes, but also in presenting to our colleagues the significance and importance of action by the Senate at the present time. Their contributions were immense, and all of us are in their debt.

Many other Senators also played a key role. The Senator from Rhode Island (Mr. PELL) was chairman of the subcommittee that held extensive hearings on this issue, hearings that laid a solid foundation for our present action, and he should be commended.

When we consider public financing, we have to recognize as well that this legislation really builds on the genius of the distinguished Senator from Louisiana (Mr. LONG), who initially presented the $1 checkoff for Presidential elections in 1966 and who helped to lead the successful effort to cement the checkoff into law in 1971. Many of the most important aspects of this legislation build on the work of Senator LONG, the chairman of the Committee on Finance.

Another very important part of the debate was the distinguished senior Senator from Rhode Island (Mr. PASTORE), who also helped to lead the effort for the enactment of the $1 checkoff measure in 1971, and who has always been such an eloquent spokesman for campaign reform.

Then when we consider the history of the present movement, I would single out the Senator from Michigan (Mr. HART) for special praise. He was the first Senator to introduce legislation for comprehensive public financing of all Federal elections, primaries as well as general elections. In a very real sense, he started the ball rolling in this Congress, and he never let the momentum fade.

Senator ALAN CRANSTON of California, was tireless in his efforts, not only in preparing the legislation itself, but also in rounding up the votes. Although the latter work is not a role which is generally acclaimed or understood outside

the Halls of Congress, no one here is unaware of his effective work on the Senate floor. I doubt that we could have won today without his careful and successful daily attention to the bill.

Senators MONDALE and SCHWEIKER were also real leaders in developing the concept of public financing, especially the concept of matching grants for primaries. Their early efforts led to a strengthening of the proposals for this legislation, and a new awareness that it would be possible to include primary elections in the bill for public financing.

Senator CLARK of Iowa was another pillar of the Senate effort, both in the early stages of the legislation and in the floor debate, and I congratulate him on the leadership he has displayed.

Senator MATHIAS and Senator STAFFORD also worked closely in these early efforts, and were particularly instrumental in giving this bill the broad bipartisan support it had to have if final passage was to be achieved.

Finally, the Senator from Illinois (Mr. STEVENSON) was very active in the whole debate and discussions. There were points which we disagreed, but he has been an outstanding pioneer in bringing this issue to the attention of the Senate and the people, and there was no fundamental disagreement on the importance of public financing of political campaigns.

Finally, I would like to commend the public interest groups, led by Common Cause and the Center for Public Financing of Elections. I do not think the public interest has ever been better served than by the joint efforts of those in and out of Congress with whom they worked. These two groups, and others with whom they worked were extremely successful in making these issues plain and clear to the Members of this body and to the country, and I am hopeful that they will be as successful with the House of Representatives.

I think the action that has been taken by the Senate shows the American people that the Senate can act, and that it can act effectively in the important and sensitive area of election reform. I think we have demonstrated quite clearly that the Senate is aroused by the crisis over Watergate, and that we have responded in the most effective legislative way we could in assuring that future elections of Members of the Senate and the House and for the Presidency will be free of the corrosive and corruptive power of large campaign contributions.

I think this is really one of the finest efforts for reform I have ever seen in this body. Public financing of elections will rank with the great reforms of the political process in our history, a milestone of which every Member of this body should be proud.

I think the American people can be reassured that the Senate is alive and well in Washington, and that in what we achieved today, we acted in the best interests of all the people of this Nation. Public financing can be one of democracy's finest hours, and I hope that the issue will do as well as it navigates its difficult course through the House of Representatives and to the President for his signature.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. CRANSTON. I want to echo and endorse the praise the Senator from Massachusetts has given to Senator Cannon, the leadership, and many others who have worked so hard on this measure, which is fully as important as the Senator from Massachusetts has stated. I thank the Senator for his kind words on my behalf.

I want to add that if we had not had the imaginative and successful and bold efforts of the Senator from Massachusetts, we would not have achieved the result that has been achieved in recent days and on the floor of the Senate today. The Senator from Massachusetts initially, in joining with the Senator from Pennsylvania, provided the impetus which gave great strength to this effort. At every point when his strength was required, the Senator from Massachusetts moved into it swiftly, wherever it was necessary and effectively, and with great imagination, and we all owe him a great debt of gratitude.

AUTHORIZATION OF APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 745, S. 3292, a bill to authorize appropriations to the Atomic Energy Commission. It is my understanding that this measure will not take long, that there is agreement, and it is not anticipated there will be a rollcall vote.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (S. 3292) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Senate proceeded to consider the bill.

Mr. PASTORE. Mr. President, the bill now under consideration, S. 3292, would authorize appropriations totaling $3,676,833,000 for both "operating expenses" and "plant and capital equipment" for the coming year. That amount is approximately 2 percent more than the amount requested by the Commission. Approximately 42 percent of the Commission's fiscal year 1975 estimated program costs will be for military applications and the balance for civilian applications. Last year the portion for the military program was about 46 percent. This indicates a continued shift of the fraction of work away from military programs. The proposed authorization also emphasizes energy R. & D. programs. The energy R. & D. programs in this authorization bill are 32 percent greater than last year. The civilian applications portion includes $132.2 million in operating costs for the high energy physics program for which the AEC acts as principal funding agent for the entire Federal Government.

OPERATING FUNDS

Turning to the bill itself, the individual sections are explained in the section-by-section analysis beginning at page 46 of the committee report. Very briefly, section 101(a) would authorize $2,551,533,000 for operating expenses and this total figure consists of the programs listed in the table on page 3 of the committee report with a detailed discussion of each portion thereof beginning at page 7 of the committee report. You will note from the table on page 3 that the committee has recommended several adjustments to the AEC's requested authorization, the net total of which is an increase of $82,110,000.

I would like to highlight some of the significant areas affected by the committee's recommendations. Recognizing the Nation's need for increasing amounts of clean energy, the committee recommended an increase of $9.2 million for the light water breeder reactors, $8.9 million for nonnuclear energy programs and $9 million for controlled fusion energy research. We have also recommended an increase of $12.7 million in the Commission's licensing and regulatory program to permit a reduction in the licensing time for powerplants.

The committee also is recommending a $15 million increase in the nuclear weapons program. Although the increase is only about 1½ percent above the Commission's request, it is for a very critical area in our nuclear weapons program which is the testing program. We have looked into this matter very carefully and found that if this work is not strengthened, there is a high probability that our nuclear weapons technology would be frozen.

CONSTRUCTION FUNDS

With regard to the plant and capital equipment portion of the budget, contained in section 101(b) of the bill, a total of $1,125,300,000 is recommended which is a reduction of $5,550,000 from the amount requested by the AEC. The bill authorizes $273,300,000 for new construction projects, $208,850,000 for capital equipment not related to construction, and a $643,150,000 increase in authorization for previously authorized projects.

The major changes recommended in this area are a $26.9 million reduction for two reactor development facilities and an increase of $7.1 million for improving our uranium enrichment plants.

Sections 102, 103, and 106 of the bill set forth certain limitations regarding the application of the funds authorized by this bill. These are similar to provisions incorporated in previous authorization acts. Sections 104 and 105 authorize the Commission to retain certain receipts and to transfer operating funds to other Federal agencies for the performance of specific items of work. These sections were previously included in appropriations acts.

Section 107 provides required legislation concerning the Commission's highest priority reactor development program which is the liquid metal fast breeder program. This section concerns indemnification and ownership of the first LMFBR demonstration plant which is

being carried out as a cooperative project with industry.

CONCLUSION

These are the highlights of the bill. The Joint Committee believes that the bill provides for a minimum authorization necessary to carry out at a viable level the essential programs and activities of the Commission. It was reported out without dissent by either House or Senate members of the committee.

Mr. President, I ask unanimous consent that a section-by-section analysis, which appears on page 46, beginning with section 101, and continuing through pages 47, 48, 49, and 50, and concluding on page 51, ending on the last line of page 51 with the words "Commission rather than the GAC," be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 101

Section 101 of the bill authorizes appropriations to the Atomic Energy Commission, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, for "Operating expenses" and "Plant and capital equipment."

Section 101(a) of the bill deals with the authorization of appropriations for "Operating expenses." The Commission's authorization request under this heading was presented to the committee in terms of costs to be incurred during fiscal year 1975, adjusted in total to the obligations to be incurred during the fiscal year.

The Joint Committee is recommending authorization of $2,551,533,000 for "Operating expenses," not to exceed $132,200,000 in operating costs for the high-energy physics program category. It is the Joint Committee's intent that the amount specified for any program or category shall be exceeded only in accordance with specific arrangements which have been developed between the Commission and the committee. These arrangements include provisions for periodic reporting to the committee of changes in estimates of authorized programs. These informal procedures, embodied in an exchange of correspondence between the Atomic Energy Commission and the committee, have operated efficiently. It is the Joint Committee's belief that legislative measures or other formal devices that would impose legal limitations upon the reprograming of Commission funds are not necessary at this time. It is the committee's intent that the procedures specified in this exchange of correspondence shall remain in effect during fiscal year 1975.

It is intended that costs incurred pursuant to the authorization contained in this act shall be generally in accordance with the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC's fiscal year 1975 authorization bill.

Plant and capital equipment obligations are provided in two sections of the bill. Under section 101(b), authorization is provided for new construction projects and capital equipment not related to construction. This authorization, together with the changes in prior-year project authorizations provided for in section 107, comprise the total authorization for plant and capital equipment provided in this bill. The AEC's request for authorization for these purposes was presented on the basis of new obligational authority required. New construction projects authorized under subsections (1) through (13) of section 101(b) of the bill total $273,300,000.

It is intended that the projects under this authorization be related, as in previous years, to the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC authorization bill. It is not intended to prevent technical and engineering changes which are considered necessary or desirable by the Commission consistent with the scope and purpose of the project concerned.

Pursuant to section 101(b)(11), appropriations are authorized for capital equipment not related to construction in the amount of $208,850,000. This equipment is necessary to replace obsolete or worn-out equipment at AEC installations. Additional equipment is required to meet the needs of expanding programs and changing technology. Examples of typical equipment include machine tools, computers, and office equipment. The Joint Committee expects to receive a report from the Commission at least semiannually on obligations incurred pursuant to this authorization.

Section 102

Section 102 of the bill provides limitations similar to those in prior authorization acts.

Subsection (a) provides that the Commission is authorized to start projects set forth in certain subparts of subsection 101(b) only if the currently estimated cost of the project does not exceed by more than 25 percent the estimated cost for that project set forth in the bill.

Subsection (b) provides similar limitations for projects in other subparts of subsection 101(b), except that the increase may not exceed 10 percent of the estimated cost shown in the bill.

Subsection (c) provides limitations on general plant projects authorized by subsection 101(b)(9), whereby the Commission may start such projects only if the currently estimated cost of such project does not exceed $500,000 and the maximum currently estimated cost of any building included in such project does not exceed $100,000; provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interests of efficiency and economy. Addtionally, section 102(c) provides that the total cost of all general plant projects shall not exceed the estimated cost set forth in subsection 101(b)(9) by more than 10 percent.

Under arrangements previously agreed to by the Commission and the Joint Committee, the Commission shall report to the Joint Committee and the Appropriations Committee after the close of each fiscal year concerning the use of general plant project funds, and such report shall identify each project for which the proposed new authority has been utilized.

Subsection (d) complements subsection (a) and provides that the Commission is not authorized to incur obligations in excess of 125 percent of the estimated cost set forth for certain projects described in subsection 101(b), unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act. Illustratively, if the estimated cost set forth in the act were $10 million, the Commission would not be able to incur obligations for this project in excess of $12,500,000 without first obtaining an additional authorization for appropriations. This limitation does not apply to any project with an estimated cost less than $5 million.

Subsection (e) complements subsections (b) and (c) and imposes a similar limitation on certain projects described in other subparts of subsection 101(b), except that the increase may not exceed 10 percent of the estimated cost shown in the bill. This subsection likewise, is inapplicable to projects with an estimated cost less than $5 million.

Section 103

Section 103 of the bill authorizes the Commission to undertake engineering design (titles I and II) on construction projects which have been included in a proposed authorization bill transmitted to the Congress by the Commission. It is understood that this work would be undertaken on projects which the Commission deems are of such urgency that physical construction should be initiated as soon as appropriations for the project have been approved.

Section 104

Section 104 of the bill authorizes the Commission to retain and credit to its "Operating expenses" appropriation any moneys received by the Commission (except moneys received from disposal of property under the Atomic Energy Community Act of 1955, as amended), notwithstanding the provisions of section 3617 of the Revised Statutes. This provision has been included in previous appropriations acts for the AEC, but more properly belongs in the authorizing legislation.

Section 105

Section 105 authorizes the Commission to transfer sums from its "Operating expenses" appropriation to other agencies of the Government for performance of the work for which the moneys were appropriated. This provision has also been included in previous appropriation acts.

Section 106

Section 106 of the bill provides authorization for the transfer of amounts between the "Operating expenses" and the "Plant and capital equipment" appropriations as provided in the appropriation acts. The AEC appropriation acts have, in past years, provided that not to exceed 5 percent of the appropriations for "Operating expenses" and "Plant and capital equipment" could be transferred between such appropriations, provided, however, that neither appropriation could be increased by more than 5 percent by any such transfer. It is understood that any such transfer shall be reported promptly to the Joint Committee on Atomic Energy.

Section 107

Section 107 of the bill amends prior-year authorization acts as follows:

"(*a*) Section 101 of Public Law 89-428, as amended, is further amended by striking from subsection (b)(3) project 67-3-a, fast flux test facility, the figure '$87,500,000', and substituting therefor the figure '$420,000,000'.

"(*b*) Section 101 of Public Law 91-273, as amended, is further amended by striking from subsection (b)(1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure '$172,100,000' and substituting therefor the figure '$295,100,000'.

"(*c*) Section 106 of Public Law 91-273, as amended, is further amended by striking from subsection (a) the figure '$2,000,000' and substituting therefor the figure '$3,000,000,' and by adding thereto the following new subsection (c):

"'(c) The Commission is hereby authorized to agree, by modification to the definitive cooperative arrangement reflecting such changes therein as it deems appropriate for such purpose, to the following: (1) to execute and deliver to the other parties to the AEC definitive contract, the special undertakings of indemnification specified in said contract, which undertakings shall be subject to availability of appropiations to the Atomic Enegy Commission (or any other Federal agency to which the Commission's pertinent functions might be transferred at some future time) and to the provisions of section 3679 of the Revised Statutes, as amended; and (2) to acquire ownership and custody of the property constituting the Liquid Metal Fast Breeder Reactor power-